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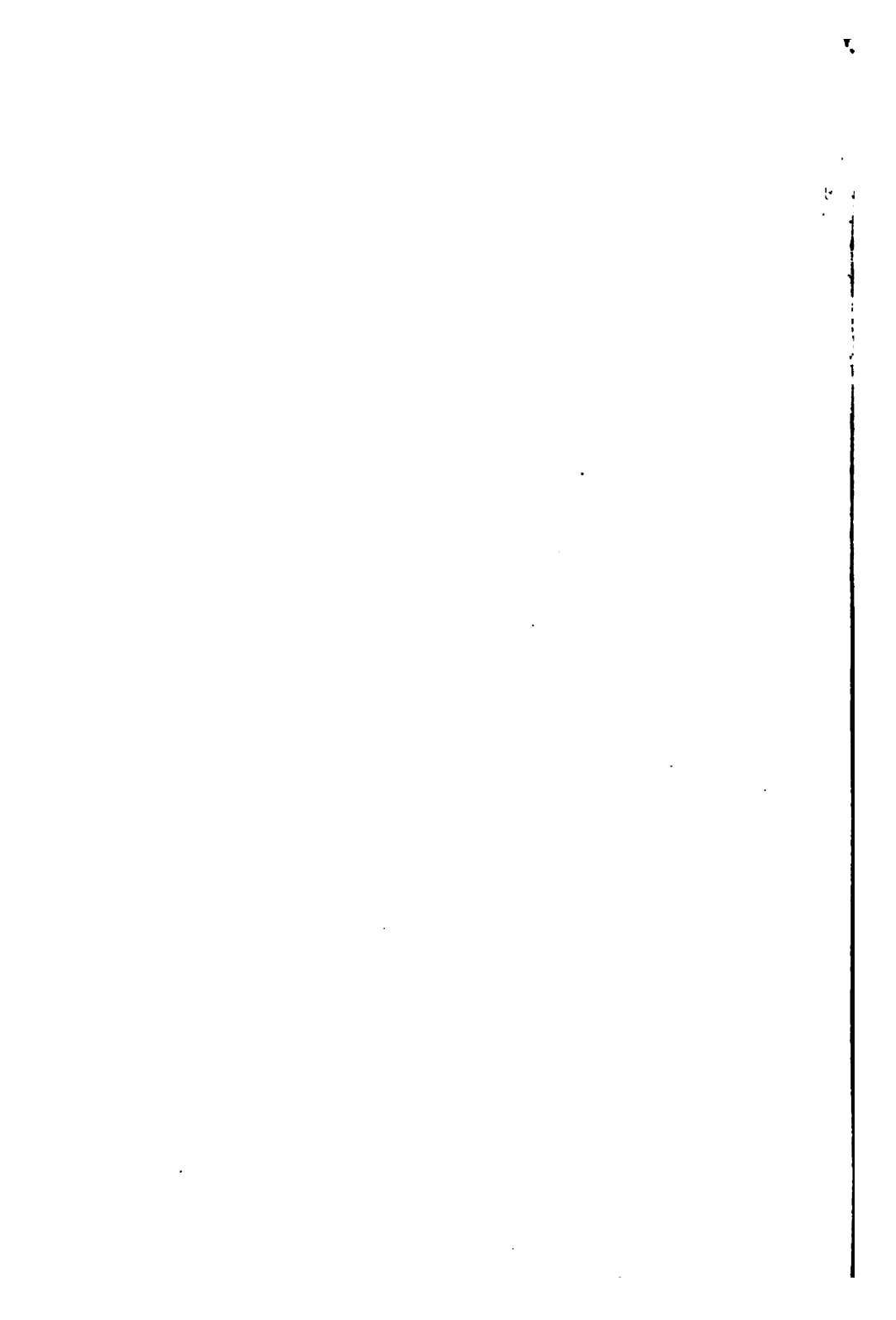
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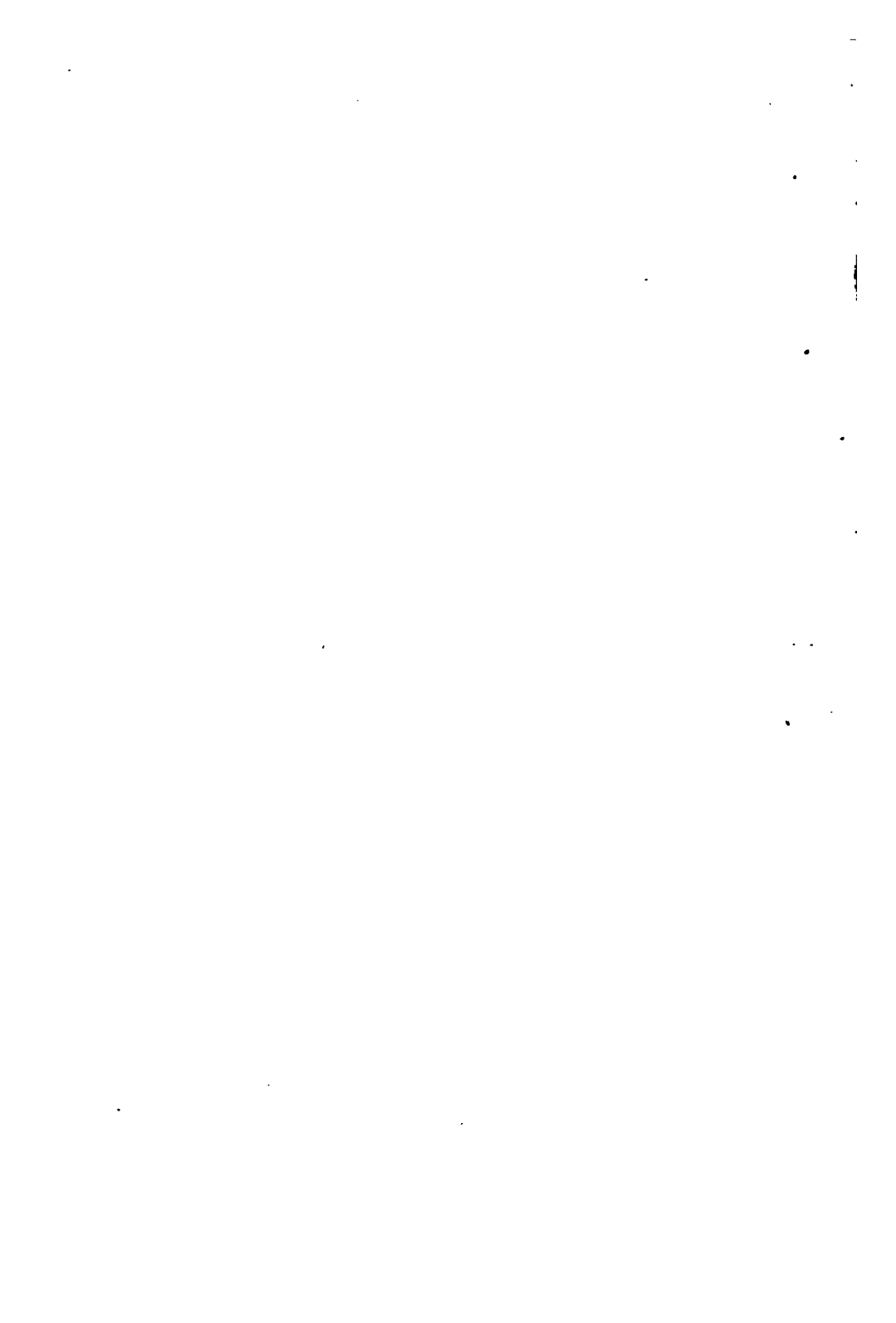


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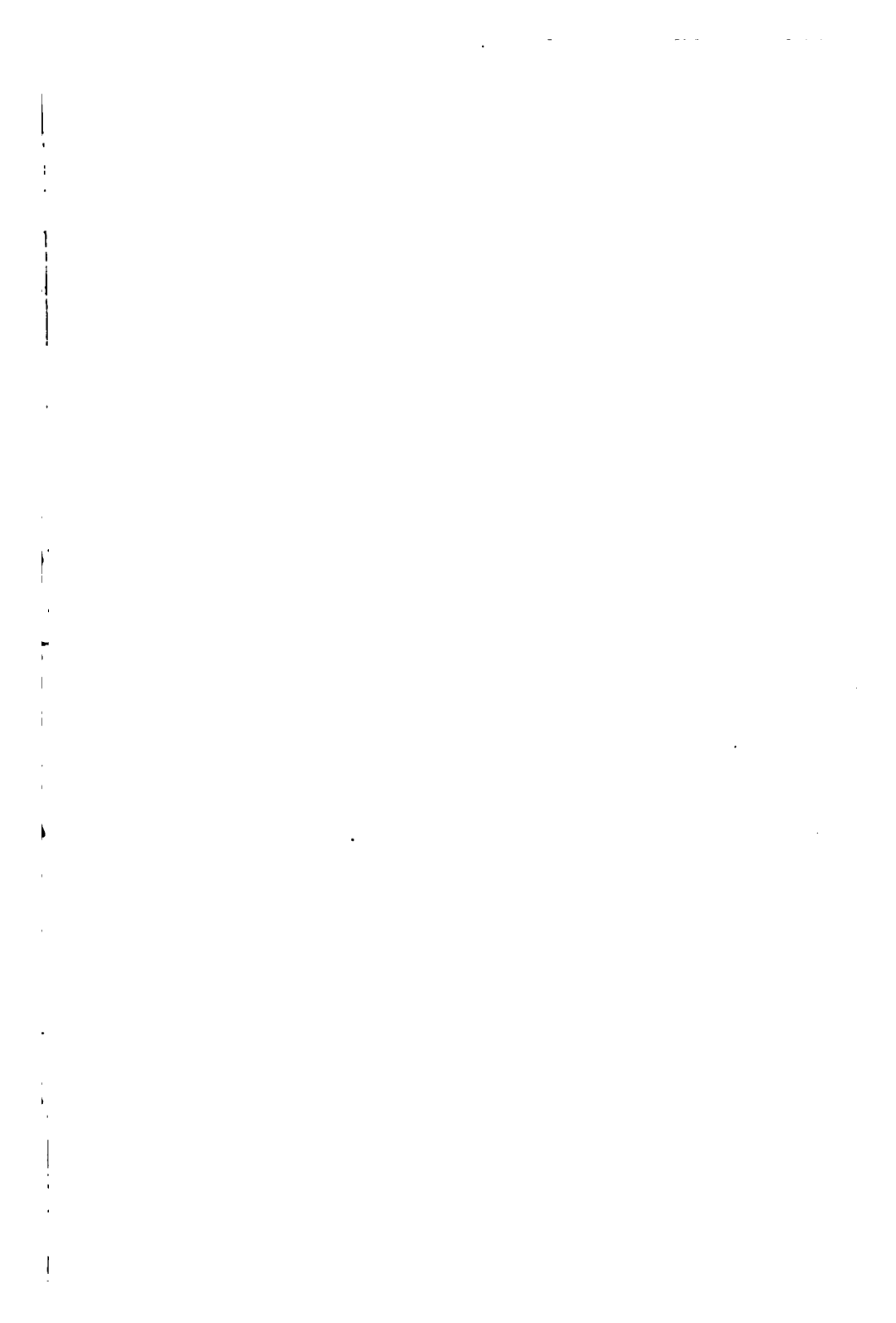
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**The Colombian and Venezuelan  
Republics**









SCENE ON THE LA GUAYRA AND CARACAS RAILROAD

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The  
Colombian and Venezuelan  
Republics

*With Notes on Other Parts of Central  
and South America*

BY

WILLIAM L. SCRUGGS

LATE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY  
OF THE UNITED STATES TO COLOMBIA AND  
TO VENEZUELA

WITH MAPS AND ILLUSTRATIONS

*New Edition*

WITH A CHAPTER ON THE  
PANAMA CANAL

BOSTON  
LITTLE, BROWN, AND COMPANY

1905

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## Introduction

**T**HE following pages contain a brief account of the Author's personal experiences, observations, and studies in Central and South America, and more particularly in the republics of Colombia and Venezuela, during the period of twenty-seven years, from 1872 to 1899.

During the greater part of that time, his official and professional relations with the Governments and peoples of those countries afforded him exceptional opportunities for studying their early history and civilization, their constitutions of government, their present political and social conditions, their great natural resources, and their future commercial possibilities.

The comparatively little hitherto known of those beautiful and interesting countries, especially in the United States, and the general awakening to their commercial importance and the consequent desire for some authentic and reliable information concerning them, have induced the Author to publish these Notes, in the hope of stimulating further inquiry, and of inducing closer relations between the Latin and Anglo-Saxon races of the two Americas.

The descriptive chapters were written on or near the exact spots described, and have been carefully revised, from time to time, as those localities have been re-

visited, or as they have undergone material changes, during the past quarter of a century; the aim being accuracy of statement, rather than to satisfy any popular demand for the marvellous and improbable.

The chapters relating to the various inter-oceanic canal projects, to the Mosquito Coast controversy, to the principles of the Monroe Doctrine, to the race problem in the Americas, to Democracy in Latin America, to South American "revolutions," to the rights and duties of foreign residents therein, to social and religious customs, to the Anglo-Venezuelan boundary dispute in Guayana, to the final award of the arbitration tribunal in that dispute, and to other kindred topics, are deemed essential to a clear understanding of the present political conditions of those countries, and of their relations to each other and to the United States.



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# The Colombian and Venezuelan Republics

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## CHAPTER I

### THE ISTHMUS OF PANAMA

**I**T was in the midsummer of 1873 when I saw the Isthmus of Panama for the first time. In all probability it could not have been seen at a more unpropitious season nor under more unfavorable circumstances. The "sickly season" had already set in, somewhat earlier than usual; there had just been a local "revolution" with all its attendant disorders; and the whole Province seemed to be on the verge of anarchy, financial ruin, and moral bankruptcy. I have visited that locality many times since; have been an eye-witness of its many subsequent changes for the better; have kept in pretty close touch with it during the past quarter of a century; and some of the happiest years of my life have been spent among the Colombian people. But I shall probably never be able to get entirely rid of my first unfavorable impressions of the Colombian isthmus; and, despite all its many recent improvements and its prospective importance, I doubt whether its Atlantic side will ever look quite so charming on close inspection as it does some leagues distant

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from the upper deck of an ocean steamer. That was the way it impressed me twenty-seven years ago, and it is the way it impresses the stranger to-day.

Our vessel was the old *Henry Chauncy*, a clumsy, wooden "side-wheeler" of a past era and generation. She was on her final voyage before giving place to the modern iron keel with screw propeller. With the fairest of weather, and without accident of any kind, we had been nine whole days and nights out from New York, touching only at Kingston, Jamaica, for about an hour. The same trip is now made by one of the modern "greyhounds" of the ocean in about half that time, at a reduced cost, and with much more comfort to the passengers.

About eight o'clock in the morning of the tenth day out, the watchman at the forecandle called out, "Land!" There was the usual rush forward by the passengers, glass in hand, to see what was to be seen. What we saw was something resembling a twisted green ribbon, barely perceptible, at the junction of sea and sky; something which some poetic genius on board called a "microscopic shadow on the outer hem of space."

As we drew nearer, this dim outline gradually broadened and deepened; and very soon it assumed the form and proportions of an indented shore of crescent shape, clothed in that bright emerald green peculiar to the American tropics during the "rainy season." By ten o'clock we were safely anchored in the harbor, only a few rods from the northern or Atlantic terminus of the trans-isthmian railway. Our poetic conceptions of the place, excited by the distant view some hours ago, now began to vanish rapidly and forever; for we were face to face with what was then perhaps the filthiest, the unwholesomest, and most disorderly and repulsive hole of a place in all Christendom.

One of the passengers — a gentleman of culture and position — hired a negro porter to carry his trunk from the steamer to the railway station less than two hundred yards distant. The price agreed upon was fifty cents, which was all the fellow had asked. When he got within less than a dozen paces of the station, he threw down the trunk and demanded five dollars! The owner remonstrated, mildly but firmly. In less than five minutes he was surrounded by a threatening mob of negroes and half-breeds, all yelling and cursing at the top of their voices. To prevent a riot, one of the resident consuls advised the gentleman to pay the five dollars, which he did, "with curses not loud but deep."

I relate this incident as merely illustrative of the disorders then prevailing at the little seaport town which all Anglo-Americans called Aspinwall, but which all Colombians as persistently called Colón. This confusion as to the name of the place had a capricious origin, by the way; and, trivial as it now seems, it once led to a somewhat vexatious diplomatic controversy. Away back in the early fifties, when the Panama Railway Company (an American corporation) made their final survey of the route, the Atlantic terminus was located in a swamp a little southward of Old Navy Bay. No white man had ever attempted to live there, and the reptiles and red monkeys had never been disturbed in their possessions, even by the Indians. But now that this malarious and inhospitable spot was to be the site of a seaport town, it had to have a name. Several names were proposed, but none seemed to "stick." Finally, when the road was nearing completion, a banquet was given by the managers, at which were present as honored guests all the native local officials, and also several members of the Colombian cabinet who had come all the way from Bogotá to participate in the general jubilee. Champagne

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flowed freely, and amid the hilarities some one proposed to call the prospective new town "Aspinwall," in honor of the first president of the road. The motion was promptly seconded and unanimously adopted, and the best speech of the occasion was made by Dr. Parádes, then Colombian Minister for Foreign Affairs.

Some years afterwards, when, by constitutional amendment, the name of the country itself was changed from New Granada to Colombia, dissatisfaction arose with the name of Aspinwall, and the Congress of the Republic changed it to Colón in honor of the discoverer of the continent.<sup>1</sup> This was all well enough. Nobody disputed the right of the Government to give names to towns and cities within its own domain and jurisdiction. Besides, the name selected was by no means inappropriate. But the blunder consisted in the failure to notify the new name to the outside commercial world or even to the officers of the railway company. So it continued to be called Aspinwall by everybody except Colombians, and even they sometimes wrote it "Aspinwall-Colón."

Finally, in 1872, when our diplomatic agent at Bogotá applied for the usual exequatur for a newly-appointed consul at Aspinwall, he was politely told there was "no such place as Aspinwall in Colombia;" but that if the name *Colón* were substituted in the consul's commission, there would be no difficulty in obtaining the desired exequatur. This created surprise at Washington, and for a while Mr. Hamilton Fish, then Secretary of State, was disposed to construe the attitude of the Bogotá government as discourteous. But satisfactory explanations soon followed, and ever since then Colón has been accepted as the legal name of the place, though some thoughtless people still write it "Colón-Aspinwall."

<sup>1</sup> *Cristobal Colón* is the Spanish for Christopher Columbus.

But to return to the isthmus itself. As we lay at anchor by the wharf, the scorching rays of the sun had already drawn up the mists and vapors of the forenoon into great banks of cloud, which hung heavily on the mountain sides, or floated in broken fragments over intervening swamps and watercourses. It was easy to trace the serpentine course of "the deadly Chagres" through the mountain fastnesses by the dense volume of white vapor which hovered just above the surface. Very soon these floating masses of steam (for they were little else), began to cohere and darken the sky, and in a few moments the sun was completely obscured. Then came a gust of damp chilly wind, followed by a blinding flash of lightning and a deafening roar. The next moment the whole vapory mass came down in perfect torrents. I had witnessed many midsummer thunderstorms on our Gulf coast, but never before had I seen anything like this. The water seemed to come down, not in a community of well defined raindrops, but in solid sheets, which soon covered the already wet and smoking earth to the depth of many inches.

This downpour continued without cessation for about an hour, and then ceased altogether, quite as suddenly as it had begun. The sun now shone out with such dazzling brightness and power as to almost benumb the senses. The heat was intense beyond description. Very soon the hot, murky vapors began to rise in dense and sickening folds from the fever-laden earth. The lagoons and watercourses smoked like so many cauldrons. The perspiration streamed from every pore of the body. Bathe and shift your clothing never so often, you were always wet and clammy. A strange feeling of suffocation came over you as you attempted to inhale the wet, poisonous atmosphere; and one was made to think of the "Carboniferous period," when the earth was

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yet too new and crude and too densely enveloped in rank and noxious vapors to be a fit habitation for man — the era when birds were yet slimy reptiles, and the remote ancestors of the human race were without tree-tops in which to gambol.

This interval of roasting, or rather boiling, was of short duration, for very soon there was another sudden and ominous darkening of the sun; another chilly gust of wind; another blinding flash of lightning, followed by another downpour of the floods. And thus the long summer day was made up of regular alternations of drenchings and roastings, with an ever-varying temperature ranging between the seventies and nineties, resulting in the usual complement of liver and stomach disorders, the end of which usually was violent and often fatal ague and fever.

True, this was in the beginning of the so-called *invierno*, or "wet season," when tropical fevers are most frequent and fatal. What is called the *verano* ("summer") or dry season, is better. It is less unhealthful, and with proper care a stranger may sojourn there for a few weeks or months without constant dread of the cemetery. But at no time can Colón be considered a healthy locality, nor in any respect a very desirable place of residence. The streets, though very much improved of late, are often impassable in wet weather, and never attractive when dry. The town is environed by stagnant ponds and lagoons, and the inland breeze is always laden with deadly malaria. Sickening odors assail the nostrils at every turn. Even the dogs and donkeys look forlorn and unhappy. You seldom hear a hearty laugh, or see a cheerful face. The only species of animate nature which seems to really enjoy life here is the mosquito. He comes in swarms so thick that you are constantly afraid to take a deep breath, lest you

inhale a whole mouthful of the poisonous pests. Day and night he is your constant companion. If by vigorous fanning you keep him from your face and neck, he will slip in unawares and attack your hands. If you put on thick gloves or sit under a *bunker*, he will manage to reach your ankles and legs through your socks and trousers. And, be never so careful, he will generally manage somehow to get inside your netting, and keep you awake the better part of the night.

However, this is but one side of the picture. Colón is not the isthmus, any more than is the isthmus Colombia; and strangers should not prejudge one of the most picturesque and beautiful countries on the Continent by what little they see of it on the coast. Even the isthmus has its brighter side; for if we would form anything like a correct estimate of it we must pass over to the Pacific shore. The distance by rail is forty-seven miles, and the cost of transportation about twenty-five dollars in American gold coin. The time required is about three hours; some of our fast mail trains would make the same distance in less than one hour. But here, not even the railroads take much note of time. They have printed schedules, but seldom follow them to the minute, and I never heard of a belated passenger being "left." The conductor will generally wait for him if he happens to be a little late; and the train will stop along the line apparently for no other purpose than to allow passengers to see the country and dicker with the fruit peddlers.

During the first hour's ride from Colón to Panama there is very little to be seen. The country is a mere succession of swamps and lagoons, where it would seem impossible for human beings to live. Yet even before the country was partially reclaimed from a wilderness state by the railway, there were occasionally seen rude

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huts inhabited by Indians, negroes, and mestizos. A little further on, we see cone-shaped hills with intervening lagoons and rapidly-running streams. Before the De Lesseps Canal Company cleared away the forest and jungle, and thus changed the whole aspect of the country, these hills and little mountain slopes were covered with dense forests, which were resonant with the screams of red monkeys and the shrill notes of tropical birds. All along the railway, even in this unfavored region, one now sees little towns and settlements, but few or no good houses. The habitations are, for the most part, thatched-roof sheds with dirt floors; and their inmates can hardly be classed as belonging exclusively to either of the three primal races. They are a curious mixture of red, white, and black; crude evidence of that lax morality which prevailed here in early Spanish Colonial times. Just how these unfortunate people manage to live, or why they never had the energy and ambition to better their condition, nobody seems to know; yet they are apparently happy in their life of poverty and wretchedness. They have few wants of body or mind, and one almost envies them an existence which seems to have no cares. The indigenous plantain and banana afford a cheap and convenient substitute for bread; and fish from the streams and lagoons, and a few yellow-legged chickens; afford all the meat they want. Occasionally one sees an inferior specimen of the domestic pig, or a forlorn looking, half-famished donkey, and sometimes a few domesticated ducks; but there are no cows or horses or other live-stock, and one rarely sees a vegetable garden.

As we ascend the dividing ridge between the Atlantic and Pacific shores, we perceive a marked change for the better. The whole aspect of the country is different. The temperature, though but a few degrees lower, is less



oppressive. The air is purer; the environments are more cheerful and inviting; and we no longer experience that strange mental depression which we felt a while ago on the Colón side. As we begin the gradual descent of the water-parting ridge towards the Pacific coast, the beauty of the landscape often charms us, and we are tempted to forget all the discomforts and annoyances of Colón. The country is more thickly populated, the houses are better, the people look cleaner, healthier, stronger, and more self-respecting.

But even here they are not quite angels, either in appearance or in disposition; and you must know them and their language if you would get along pleasantly with them. Treat them civilly and kindly, and you are almost sure to receive civil and even courteous treatment in return. But have a care how you touch their sensibilities or wound their vanity! Serious disturbances sometimes result from a mere thoughtless jest. The great riot of 1856, for instance, grew out of an altercation between an ignorant railway passenger and a native fruit peddler. The passenger fancied he was being swindled out of a few cents in the price demanded for a pineapple, and coarsely remonstrated. Very soon he lost his temper and began to call ugly names in very bad Spanish. In less than ten minutes an angry crowd had collected: and in a few minutes more the whole neighborhood was in an uproar. The excitement soon spread; and before order could be restored, some sixty people had been killed outright, and many more wounded. It was many long years before the affair was definitely and amicably adjusted, for it became the subject of a protracted and vexatious diplomatic correspondence, and was finally referred to a mixed Commission.

The city of Panama occupies a tongue of land which

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Colombian union, and to most foreigners is better known than the Republic itself. The result is that one of the most beautiful and interesting countries on the continent is habitually misjudged by what little is here seen of it.

And yet, strange to say, this is precisely the section of which Colombians seem to feel most proud. Like a deformed and useless member of a family, it is a sort of pet of the household, humored and spoiled and habitually deferred to by all the others. It has already cost the central Government, in the way of reclamations growing out of local disorders, more than the entire "State" would bring if put up at auction; and yet if you would touch the pride of the average Colombian at the most sensitive point, just intimate that his Government might be induced to part with the sovereignty of the isthmus! He believes Panama to be "the navel of the world," and that at some time or other, and in some manner, not very clear even to his own mind, it will be the source of fabulous wealth. Stranger still, he seems to have the impression that this particular spot is especially coveted by all the nations of the world, and that "the United States of the North" (as he persistently miscalls the title of our Government), is merely awaiting some favorable pretext to take forcible possession of it. Nevertheless, every time the federal Government at Bogotá gets into some serious trouble with its "revolutionists" on the isthmus, it importunes the Washington authorities to intervene for the preservation of order there.

The general topography of the isthmus may be described as a succession of hills and valleys with intervening swamps and rapidly-running streams. The great central range of hills, often rising to the dignity of mountains, which separates the Atlantic and Pacific watersheds, is merely the extension of the great western cordillera of the Andes, which, under a different name,

continues through Central America, Mexico, and the United States, and is finally lost in the icy slopes of Alaska. The Atlantic side is drained by the Atrato and the Chagres; the Pacific side by the Tuya and its confluents. The head-waters of the Atrato and of the Tuya are not a great way apart, with a sort of table-land swamp intervening; and there is an Indian tradition that some of the early buccaneers once passed from one to the other in light canoes and pirated a small settlement on the Pacific coast near Darien.

It is interesting to note how persistently this shadowy tradition of a natural water-pass across the isthmus hangs about the early literature of the country. We find frequent allusions to it, not only in the Spanish poems and romances of the seventeenth century, but likewise in the colonial state papers and official correspondence of a much later date. The most remarkable instance occurs, however, in an official communication by the Governor of Panama (one Don Dionicio Alceda) which bears the date of 1743. In that communication, speaking of the River Mandingua (the former name of the Atrato), the Governor says:

“It rises in the mountains of Chepo and runs eastward some four and a half leagues, to the Atlantic. The navigation of this river is very properly prohibited under the pain of death, owing to the facility it affords for passing from the Atlantic to the Pacific oceans. This passage was effected in the year 1679 by the arch pirates Juan Guartem, Eduardo Blomar, and Bartolomé Charpes. These freebooters,” the Governor goes on to say, “were tried for their crimes by audience of the viceroyalty, and as they could not be had in person to suffer the just punishment, they were burned in effigy at Santa Fé (de Bogotá), while they were yet ravaging the settlement on both sides the isthmus.”

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A most remarkable judicial proceeding, certainly, and viewed at this distance of time it challenges credulity; yet we are obliged to admit that it is not out of relation with those strange times, nor incongruous with much that is of record amongst the old Spanish colonial archives at Seville and Madrid.

Even as late as 1874 this misty tradition of a natural pass between the two oceans had a curious revival in official circles at the Colombian capital. The national Congress of the Republic had appointed a special committee to investigate and report upon the feasibility of an inter-oceanic ship canal by the then much-talked-of Atrato route. The chairman of this committee, a civil engineer by profession, but more of a poet than a man of affairs, prepared and submitted an elaborate paper in which he undertook to prove by citations of old Spanish archives (which he claimed to have personally examined in Seville and Madrid) that there was a natural water-pass somewhere on the isthmus, from ocean to ocean, as late as the beginning of the seventeenth century.

Some months later there appeared at Bogotá a sort of cosmopolitan crank of the name of Gorgoza, who represented himself as the agent of a syndicate formed in Paris, "for the exploration of the isthmus of Panama with a view of opening a ship canal across it." In an address delivered before a joint committee of both houses of Congress, Gorgoza stated positively that he had himself traversed this natural pass as late as 1868. When asked why he did not report this fact to the United States Naval Commission, then engaged in making a survey of the isthmus in that vicinity, he said he did report the fact to Captain Selfridge, but was "merely laughed at!" When asked who were his attendants at the time, he replied that he was accompanied by two

men, one of whom had since died, and that he had forgotten the name of the other!

Nevertheless, there were not wanting people who gave credence to this very absurd story; and Gorgoza was secretly encouraged, as I afterwards learned, by more than one of the European representatives at the Colombian capital. There was also, at that time, a feeling of uneasiness among Colombian statesmen about the survey then being made of the Nicaragua route by the United States Naval Commission; and it was probably thought that the consideration shown to Gorgoza might again direct the attention of the United States to the old Atrato route. At any rate, Gorgoza finally obtained his concession, which he carried to Paris in November, 1876. In the following February, the Paris and London newspapers began to publish a series of notices of an "International Geographical Congress," which was proposed to be held in Paris under the auspices of the Paris Geographical Society, of which count Ferdinand de Lesseps was then president. This was preliminary to the farcical "Canal Congress," held in Paris some months later, at which delegates from the United States consented to become mere spectators. The outcome of it all was the Bonaparte-Wyse Expedition of 1878, sent out ostensibly to survey the isthmus under the Gorgoza concession, but really for the purpose of obtaining what afterwards became known as "the Salgar-Wyse Contract" of that year, under which M. de Lesseps and his associates began operations.

Such was the curious origin of what a French lawyer has characterized as "one of the most daring and gigantic swindles of modern times," of which, however, more will be said in a succeeding chapter.

## CHAPTER II

### PANAMA CANAL PROJECTS

**P**ERHAPS there was never a time in the history of Colombia when some project looking to the opening of an inter-oceanic canal across the isthmus of Panama was not a subject of agitation and discussion. Even before the date of the first formal declaration of the independence of the country, in 1810, the matter had been frequently discussed; and it continued to be agitated at intervals during the whole period of the twelve years' war. But the first serious movement in that direction seems to have originated with General Símón Bolívar during the last years of that struggle, and precisely at the time when the cause of independence seemed least hopeful.

Soon after Bolívar became invested by the Colonial Congress with dictatorial powers, he sent out an agent authorized to propose an inter-oceanic canal scheme to the merchants and capitalists of London, the real object being to stimulate a formal recognition of the new Republic through the commercial powers of Europe. After many rebuffs and vexatious delays, this agent finally succeeded in interesting some British capitalists, who agreed to furnish the money necessary to the success of the enterprise, provided the absolute neutrality of the canal should be guaranteed by some maritime power able to maintain it. This could not then be obtained, and so the scheme failed.

The next effort was made in 1822. The United States had, at the instance of Mr. Clay and John Quincy Adams, formally recognized the new Republic, but all the great maritime powers of Europe held aloof through deference to the so-called "Holy Alliance." In order to stimulate them to formal recognition, President Bolívar asked and obtained from the federal Congress of Colombia authority to open negotiations with foreign capitalists, or with some foreign government, for opening a ship canal across the isthmus. The authority was readily granted, but no maritime power could be found willing to guarantee the neutrality of the transit, or Colombia's sovereignty over the isthmus itself, and so the scheme was again defeated.

It, however, continued to be discussed by the press and public men of Colombia, and was again revived in the proposed Panama Conference of American states in 1826. The Colombian delegates to that first Pan-American Congress were instructed to "favor any reasonable project looking to a water transit of the isthmus;" but, as the Congress itself was a failure, the canal scheme was again doomed to defeat, or at least to indefinite delay.

It was again revived in 1830, when President Bolívar took active measures to have the isthmus explored by a corps of competent engineers. But even before the commissioners had reached the scene of their labors, internal political dissensions arose, which finally resulted in the disruption of the Colombian Union.

In the partition of territory which followed, the isthmus of Panama fell to the lot of New Granada (now Colombia), and in 1836 a concession was granted to certain capitalists, or rather to certain individuals who claimed to represent foreign capitalists, who proposed to organize an international company for the

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purpose of opening the canal. The company was never organized, and the scheme again failed. But in the executive decree declaring the concession forfeited, an offer was made to treat with any company financially able to fulfil the agreement, and there soon followed in quick succession a multitude of concessions, none of which, however, ever amounted to anything.

Thus the matter stood in 1850, when an American company obtained the concession for the construction of the present Panama railway.

Still, the canal scheme would not "down." It continued to be talked about, both in Colombia and the United States, and finally, in 1868 Mr. Caleb Cushing was sent by our Government as special envoy to Bogotá instructed to obtain a concession for the survey of the isthmus with a view to the construction of a ship canal by what is known as "the Atrato route." He succeeded in negotiating a favorable treaty; but the Colombian Congress, to which it had to be referred for ratification, so altered and amended it as to make it unacceptable.

Negotiations were renewed in 1870, but failed of any practical results.

Meantime, the completion of our first transcontinental railway had interested American capital in a different direction. The canal project, however, still continued to be talked about. The feasibility of the Panama route had come to be doubted, and the whole question was finally referred to a Naval Commission which was instructed to survey and report upon the proposed Nicaragua route.

This stimulated activity among the public men of Colombia, who now began to look again to European capital for the consummation of their long-cherished scheme. The result was the concession of 1878, gen-



erally known as the "Salgar-Wyse Contract," under which Ferdinand de Lesseps organized his ill-fated company.

The history of that company is still fresh in the public mind. In many respects it is probably without a parallel in the annals of bold and shameless rascality. When the company finally broke down and became bankrupt, in 1889, comparatively little work had been done, though fabulous sums of money had been spent. No one who had taken the trouble to familiarize himself with the origin and history of that company, or who was cognizant of its peculiar business methods, was surprised at the result. Indeed, no one competent to judge ever believed that the canal could be opened on the route indicated. Possibly some modified plan might be adopted by the French government, which seemed likely at one time to fall heir to the Company's concession and assets; but in that case, international complications would be almost certain to arise, which would seriously involve the United States government. For, no matter by whom opened, the canal would be merely an artificial strait communicating between two open seas, and its navigation would have to be regulated by the same rules of international law which govern the navigation of straits in general. The only exceptions that could be claimed for it would be such modifications as might become necessary for the protection of the individual rights of the shareholders.

Under the modern rules of international law, when the navigation of both seas is free, the navigation of the connecting channel is likewise free; and this is true, although the connecting channel be bounded on both sides by the territory of some sovereign state, and be so narrow as to be easily commanded by cannon-shot from both sides. In such cases, the territorial jurisdiction of

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the sovereign is modified by the public right of passage from sea to sea; but, while this is true, the public right of passage is itself modified by the right of the sovereign through whose territory the channel passes. He may prescribe such rules and regulations as he may deem necessary to his own safety; and these, under certain contingencies, may amount to a positive prohibition. Thus, although open and free to all private merchant vessels of whatever nationality, the channel could be declared closed, as a matter of right, to all public armed vessels whenever this should become necessary to the safety of the state through whose territory it passes. And this would necessarily imply the right of the state to enter into alliances, offensive and defensive, for the enforcement of the closure against possible enemies; which, by the way, was precisely what Colombia did as early as 1846, by article 35 of the treaty of that date with the United States, and that treaty is still in force.

Another rule, applicable in such cases, is that the sovereign through whose territory the channel passes may exempt his own subjects from payment of tonnage or other duties, without thereby invalidating his right to unconditionally withhold such privileges from the subjects or citizens of other states. He may likewise exempt the subjects or citizens of his ally, and thus place them upon an equal footing with his own, without impairing his right to withhold such privileges from the subjects or citizens of all other nations. And this, again, is precisely what Colombia did by the treaty of 1846, wherein she guaranteed to the citizens of the United States "all the exemptions, privileges, and immunities," with respect to the isthmian transit, present and prospective, "enjoyed or to be enjoyed by Colombian citizens."

Nor is this all. In article 35 of that treaty, Colombia guarantees "to the Government of the United States the right of way or transit across the isthmus of Panama, upon any modes of communication" now in existence or that may hereafter be constructed, "free of all encumbrances or restrictions whatsoever." With respect to the "Government" of the United States, therefore, the right of passage is absolute. Its war vessels may pass and repass without restrictions. While with respect to "citizens" of the United States, their right of passage is limited only by the conditions imposed upon Colombian citizens — the consideration in both cases being "the efficient guarantee by the United States" of the neutrality of the transit, and of Colombia's sovereignty and dominion over the isthmus.

It soon became manifest, therefore, that, in case the canal should be completed, no matter by whom, this treaty of 1846, still of force, would stand in the way of French dominion on the isthmus. For it would have been the most natural thing in the world for the two signatory powers (Colombia and the United States) to declare the passage closed, "as a matter of right," to the public armed vessels of all other nations; in which case, not even France could have justified a formal protest. No two principles are more permanently incorporated into the public law of Europe than that which excludes all foreign armed vessels from straits passing through the territory of some sovereign state; and that which admits to the free navigation of such straits all private merchant vessels of whatever nationality. Thus, by the treaty of Adrianople, of 1829, Russia and her allies were admitted to the free navigation of the Black Sea, while the entry to the Straits of Constantinople and to the Dardanelles was prohibited to the war vessels of all other nations. And by the treaty of

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London, in 1841, the entry of foreign armed vessels was prohibited, while those waters were declared open and free to merchant vessels of all nations. Later on, when by the treaty of Paris, of 1856, the Black Sea was declared neutral, the straits leading to it were declared closed "as a matter of right" to the war vessels of all nations except those of the allied powers. So also in 1871, when this treaty was modified by the London conference, the two principles — closure to war vessels and freedom to merchant vessels — were reasserted; and the declaration was further emphasized by the admitted right of the allies "to agree to the harmless use" of the straits by public armed vessels of the other powers.

In his clandestine efforts to induce the Colombian Congress to abolish or modify the 35th article of the treaty of 1846, M. de Lesseps once pointed out, through one of his secret agents, that, under the provisions of the Salgar-Wyse Contract, of 1878, a like closure of the Panama canal would be such a violation of the vested rights of the company as would compel the French government to interfere. He had strangely overlooked the fact that nowhere in that contract had Colombia assumed an obligation to permit the free passage of public armed vessels! All that Colombia had stipulated was that *when* such vessels were allowed to pass, the company had the right "to fix toll rates," etc., and it was competent to Colombia, acting in concert with her ally, to declare that "when." In other words, the special privilege of fixing tolls and establishing regulations as to public armed vessels in the canal, could have no existence until after the right of passage by those vessels had been specifically granted; and aside from this, even if Colombia had incautiously obligated herself, in advance, to allow such vessels to pass, the obligation

would have been a nullity by reason of the prior grant to the United States.

It was during the discussion of these questions, and while M. de Lesseps and his associates had salaried agents in the United States, that the suggestion somehow originated in Washington to the effect that "if the treaty of 1846 was to be construed as an alliance with a weak and impecunious South American state, the best thing to do would be to modify article 35, or else abolish it entirely." No one seemed to know just where or how this suggestion originated, but it was certainly favored by more than one influential newspaper in New York. It was argued very ingeniously, by one or two half-American journals, that we could not afford to disregard the traditions of the country by entering into "entangling alliances" even for the purpose of controlling the isthmian transit; and Washington's Farewell Address was freely cited in support of this position.

All this is now what newspaper men would call "ancient history." But it is not without interest as showing the real nature of the De Lesseps canal bubble. Those who were in a position to know had every reason to doubt his sincerity from the first; for any other conclusion would have been at the expense of his reputation as a man of affairs. True, he may have been over-persuaded by impecunious parties who had lost position and influence by the downfall of the Empire, and who saw in this canal scheme the means of replenishing their private fortunes. If so, it may have been part of the scheme to ultimately unload the enterprise upon the new government, which they sought to make odious. Be that as it may, there can be little doubt that he did at one time entertain a hope that the French government might become so compromised as to be forced to take the job off his hands. Hence the

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systematic effort to get Article 35 of the treaty of 1846 out of the way.

But a word here in this connection about "entangling alliances." At the time of Washington's Farewell Address all Europe was in turmoil. England and France were still quarrelling, and Jefferson (who had become strangely infatuated with French ideas) had been at no pains to conceal his desire for an alliance between France and the United States as against England. Washington's advice was to have nothing to do with this or any other European quarrel, but to "avoid all entangling alliances." His warning could have had no possible reference to any free state in South or Central America, for no such state then existed or seemed likely to come into existence. The eastern banks of the Mississippi were the utmost limits of our prospective possessions in the west; Florida, Louisiana, Texas, and California were all under foreign flags. In less than fifty years conditions had radically changed; for in 1846, when this treaty with Colombia was signed, the entire Atlantic and Gulf coasts from the Bay of Fundy to the mouth of the Rio Grande, were within our national domain and jurisdiction. Our western boundary was the Pacific Ocean, and the isthmus of Panama had become practically our southern border, in that it was in the direct line of our fifteen thousand miles of sea-coast. Hence, the treaty, in the form agreed upon, had become a commercial and political necessity.

It was, however, entered into with extreme reluctance, and was with great difficulty ratified by the Senate. Like our federal Constitution itself, it was "wrung from the necessities of an unwilling people." Even after the exchange of ratifications, the treaty excited constant apprehension; and four years afterwards we committed the astonishing blunder of soliciting a "joint guarantee"

of the neutrality of the isthmus by England and France! Fortunately this ill-advised request was not granted. Indeed, it was hardly entertained. Earl Russell, speaking for the British government, said a joint guarantee was "alike unnecessary and undesirable;" that "the sole guarantee by the United States was ample for any emergencies likely to arise;" and that "the present arrangement was entirely satisfactory to Great Britain." A similar response was received from the French government, with the additional assurance that "the sole guarantee by the United States was satisfactory to the commercial world."

This seemed to end the matter. The Monroe Doctrine had long before received the tacit sanction of the two leading powers of Europe, and the apprehensions of a weak and timid Executive were allayed. At any rate, nothing more was ever heard of "a joint European guarantee" of the neutrality of the isthmus till the De Lesseps canal company came into existence.

By the so-called Salgar-Wyse Contract of 1878, that company had come into possession of millions of acres of wild lands on the isthmus; and it had likewise become the owner of the majority of shares in the Panama Railway Company. Then it was that Count de Lesseps made the astonishing discovery that the "Monroe Doctrine" had an European origin; that the people of the United States had never quite understood it; and that it really meant nothing! But he failed to induce Colombia to abrogate Article 35 of the treaty of 1846; failed to induce the French people whom he had inveigled into his enterprise, to force the new Republic to take a bad bargain off his hands; and a few years later he and his associates and accomplices were sentenced as criminals by the judicial authorities of his own country.

## CHAPTER III

### THE OLD SPANISH MAIN

**B**Y the old "Spanish main" is generally understood the entire Caribbean coast from the Cape of Yucatan to the delta of the Orinoco. But at present we are concerned only with that portion of it between the isthmus of Panama and Cape Guajira, which constitutes the northern shore of the Republic of Colombia. As I have already intimated, if we would see the most beautiful and attractive part of Colombia, we must make a long and tedious journey of several weeks to the remote interior; for practically the Isthmus and the capital of Colombia are farther apart than Washington and Alaska, and there are but two available routes between them.

One of these is down the South Pacific coast by ocean steamer to the little seaport town of Buenaventura; thence by narrow-gauge railway through the coves of the western cordillera, 70 miles or more, to the old city of Cali, in the beautiful valley of the Cauca; thence by mule-back, fully two weeks' journey over the mountains of the central cordillera to the northern edge of the tableland of Bogotá; and thence by coach 32 miles or more to the national capital. The entire journey can hardly be made in less than four weeks, and it may require five or six; it all depends upon the condition of the roads.



The other and more frequented route is by ocean steamer from C6lon, along the old Spanish main to the port of Savanilla (or Salgar, as it is now called), about a dozen miles west of the Magdalena delta; thence by railway, less than 20 miles, to Barranquilla; thence by river steamer up the Magdalena, fully 500 miles, to Honda; thence by mule-back three short days' journey over the mountains of the eastern cordillera to the southeastern edge of the great tableland of Bogot6; and thence some 30 miles in coach or omnibus across the plain to the national capital. The journey usually takes about 20 days, but it may be 40; it all depends upon the condition of the river, which at certain seasons can hardly be said to be navigable for more than 200 miles.

If desirable, we may disembark at Carthagena, 36 hours' sail from Col6n, and proceed thence by canal steamer through the *Dique*<sup>1</sup> to Calamar, on the Magdalena some 75 miles above the delta, and there take a regular river packet for Honda. But this is seldom advisable. The trip through the *Dique* is neither comfortable nor interesting; and there will be ample time and opportunity to see about all we care to see of Carthagena without making the change of route. Besides, by taking the canal route, we would miss seeing Savanilla and Barranquilla; and the latter is well worth seeing.

Carthagena, or *Cartajena*<sup>2</sup> as it is written in the language of the country, is one of the oldest, and in some respects the most interesting, seaports on the Caribbean. The city was founded early in the seven-

<sup>1</sup> The *Dique*, as it is called in the language of the country, is a wide canal connecting the river Magdalena with the bay of Carthagena. It was opened in the time of Philip II. of Spain; and, after having been closed for three-quarters of a century, was reopened in 1881.

<sup>2</sup> Pronounced Car-tah-hay-na.

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teenth century and soon became a great commercial and naval centre. Its decadence began early in the present century, soon after the beginning of the long war for independence, and continued steadily up to some 25 or 30 years ago, when the city began to revive. But its recuperation has been slow, though steady. It has been called "the Charleston of South America;" possibly because it is considered "a finished town," rich in historical reminiscences and in the evidences of departed greatness. Once famous as the site of wealth, culture, and refinement, it still lives in the past, the typical representative of a former era and civilization.

As first seen, at some distance, from the upper deck of an ocean steamer, the grand old city presents a most romantic and imposing appearance. The great moss-grown buildings, many of them three centuries old, stand out in bold relief against a background of green hills and craggy cliffs, and the tall towers and steeples of the old cathedrals, rising from a base of red tiles, pierce a clear tropical sky. On either side are gray old forts, long since disused but still in an excellent state of preservation; while at the threshold of the city, on the western side, lies the spacious harbor, the deep blue waters of which are seldom disturbed even by a ripple.

As we approach nearer, we discover that the old city is completely encircled by a massive stone wall, antique in form and venerable in appearance, fully 30 feet in height and many yards in thickness. It was built in the reign of Philip II., and is said to have cost over a million of dollars. In all probability it has never been repaired since, yet, saving a few rents of recent origin, it appears to be quite as good as new. The subterranean passages leading out from the inclosure

to the fortified hills and bluffs beyond, are still open, though of course long disused, some of them wide enough to accommodate three pedestrians walking abreast.

The entrances to the great bay, as also its shores on both sides, are guarded by massive stone forts, long since practically disused, but still well preserved. Beneath one of these frowning structures, and some eight or ten feet below the surface of the water, is the old Bastile of the Inquisition, rendered classic by Charles Kingsley in his "Westward Ho;" a grim relic of the past, no longer utilized in the conversion of heretics, but sometimes occupied as a resting-place by unsuccessful "revolutionists" under the régime of modern king Demos. Ah! the tyranny of Absolutism and the cruelty of Intolerance! But perhaps, after all, there are fewer forms of tyranny more cruel and relentless than that of an irresponsible mob miscalled a Democracy!

At the close of the long struggle for Independence, in 1822, Carthagená seemed hopelessly dead; and it so remained, as I have said, for half a century. Yet Colombians have always been proud of its history. For here, it is claimed, originated the first organized resistance to Spanish misrule; the first serious step towards final separation from the mother country. Some Colombian annalist has therefore called it "the cradle of Liberty on the South American continent," and perhaps not unjustly. Yet a prior claim is sometimes made by Venezuelans for their own beautiful Caracas, where the great *Libertador*<sup>1</sup> was born and grew to manhood, and where there was something like organized resistance to Spanish authority several weeks earlier than that at Carthagená.

<sup>1</sup> *El Libertador* is the title usually applied to Simón Bolívar throughout South America.

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In Carthagena, as in Charleston during our own Revolution, there were many wealthy Tories who either openly or secretly espoused the royalist cause; and who never became quite reconciled to the new order of things which made their negro slaves their equals before the law, and subsequently their equals at the ballot-box. So, many of them, now broken in fortune and hopeless for the future, sought homes in the mother country, or in other Spanish provinces in the West Indies. A few, in order to get rid of the free negro, sought homes in the remote interior — at Pamplona, Tunja, Medellin, and Bogotá. Few or none of them ever returned to their haunts of happier and more prosperous days. In short, Carthagena was practically deserted; the *Dique* soon became filled up with sediment and overgrown with brush and bramble; and when trade revived, Barranquilla, a new town just above the delta of the Magdalena, became the principal seaport. In the course of time the little railroad was built which connects Barranquilla with the harbor of Savanilla, some 12 miles below the delta; and thus, to use a railway provincialism, old Carthagena was completely "side-tracked."

This was the condition of affairs as late as 1873, when the old city began to show some signs of awaking from her long slumber, and to cast about for the means of regaining at least a portion of her lost trade. The first thing to be done was to re-establish communication with the interior; and this was practicable only by the reopening of the old *Dique*. It was accordingly reopened in 1881, and an English company put some light-draught steamers in it as feeders to their ocean vessels. Since then, the prospects of Carthagena have been steadily brightening. Yet in the absence of some railway connection with the interior, or with the Magda-

lena at some point more remote from Barranquilla, as for instance at the mouth of the river Cauca, the old city will continue to labor under great disadvantages, and can hardly hope to compete successfully with her more enterprising and aggressive rival.

The harbor of Savanilla is a mere roadstead, some dozen miles below (*i. e.* west) of the Magdalena delta; and, though anything but picturesque and attractive in appearance, it is considered reasonably safe for sea-going vessels of medium draught. Up to within the last few years, heavy ocean steamers had to anchor 10 or 12 miles out from the railway terminus, and passengers and cargo were conveyed ashore in clumsy barges. If the vessel came to anchor by eight o'clock in the morning, it was generally twelve or one before passengers could reach the railway station; and sometimes very late in the afternoon before they would arrive at Barranquilla. This is all changed now. The railway has been extended some 10 miles farther down the coast, and an iron pier 4,000 feet long, connects the station with deep water; so that passengers now embark and disembark with greater facility and comfort.

The railway passes through a very barren and uninteresting part of the country — a mere wilderness of swamp and jungle. Not many centuries ago, the whole region was covered by the waters of the Caribbean. In fact, the entire plain or "little Savannah,"<sup>1</sup> including the present site of Barranquilla itself, appears to have been the joint product of sea and river; and in many places is yet too new and crude to produce any vegetation other than dwarf cacti and brambles. Toward the eastern and southern sides, it is a mere bed of white sand, and, for the most part, barren of all vegetation.

<sup>1</sup> *Savanilla* is the Spanish equivalent of "Little Savannah."

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I have never been quite able to get rid of my first somewhat unfavorable impressions of this locality, although I have visited it scores of times since its marvellous transformation into something like a decent place of residence. The Colombian minister at Washington (Don Carlos Martín) had been considerate enough to warn me what to expect, and not to hastily judge his country by what was to be seen of it at Savanilla and Barranquilla. I was inclined at first to think he was merely indulging in that polite depreciation of his own country so common among educated Colombians. But I found he had spoken only the sober truth; for I had never even imagined any place quite like it. But Mr. Pellett, the bright and genial American consul who met me at the Barranquilla station—then a mere thatched shed in a sand-bed—assured me that strangers “soon got used to it,” and then “did n't mind it!”

I have somewhere intimated that Barranquilla is a new place; and so it is as a commercial mart, and indeed in everything that pertains to modern progress. But a little Indian village of mud huts with thatch-roofs stood near there more than two and a half centuries ago; and the same style of primitive architecture still prevails on the outskirts of the present city. It is only within the past 27 years that the city has become a place fit to live in. It is situated at the eastern terminus of the Bolívar railway, some 14 miles from Savanilla and about the same distance above the main mouths of the Magdalena river. The city is some distance west of the main channel of the river, but in easy communication with it by means of a somewhat narrow but deep caño, navigable at all seasons by steamers of medium tonnage. The locality is considered one of the healthiest on the Caribbean coast, although the temperature is

seldom below 85 degrees Fahrenheit during any hour in the year, and is often up into the nineties.

Twenty-five years ago, the population hardly exceeded 8,000 souls; and perhaps less than a quarter of these could lay any just claim to pure Caucasian origin. The masses for the most part were made up of the mixed descendants of Indians, negroes and whites. You could see every shade of color, from the jetty, woolly-headed African to the sallow mestizo and pink-eyed Albino. Sometimes you would be able to discover some remote traces of the Moor and the Burgundian; occasionally you would see the classic features of the Castilian beneath a woolly crown; sometimes the flat nose and facial angles of the African would peer out beneath the straight auburn hair of the Spaniard; and not unfrequently there would be such an intricate blending of the three races in a single individual as to baffle all attempts at ethnologic classification.

The language of the common people, though nominally Spanish, was a curious jargon, often quite unintelligible even to their own countrymen from the national capital. Children of all ages and both sexes gambolled about the central plaza or in the public streets in a state of unconscious nudity, and even middle-aged men of the lower class rarely wore anything more than a straw hat, *alpargates*,<sup>1</sup> and a *rauana*.<sup>2</sup>

The streets, though never muddy and seldom dusty, were well nigh impassable. Pedestrians would sink ankle deep into the white, parching sand at every step; and the narrow sidewalks, though more comfortable, would not accommodate two people walking abreast. The houses, except in the immediate business section, were generally thatch-roofed huts; and even the most pre-

<sup>1</sup> A species of straw sandal.

<sup>2</sup> A cotton blanket with a hole cut in the centre.

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tentious edifices were seldom more than one story high. The walls were of brick or *adobe*,<sup>1</sup> and the floors and roofs of red tile. The walls of the humbler residences were made of bamboo splits, wattled between clumsy posts set in the ground. The floors were the bare earth, and the roofs were of leaves or straw. Sometimes the walls were plastered inside and out, and neatly whitewashed: more frequently they were neither plastered nor whitewashed. The cooking was usually done in an adjoining shed or in the back yard, or sometimes on the sidewalk in front; and in either case never in anything but crude earthen vessels heated by little improvised charcoal fires.

The water used for domestic purposes had to be brought from the muddy caño, and was usually portaged on the backs of donkeys and peones. Sometimes it was filtered through a porous sandstone into an earthen vessel, and sometimes used in its crude state. Not a pound of ice could be found in the city; indeed nobody seemed to want it. A luxury unknown is a luxury never missed. When the well-to-do classes got tired of drinking tepid water, they would take beer or brandy by way of change; and their less opulent neighbors would resort to the native *chichi* and *aguardiente*.<sup>2</sup> Everybody smoked, men and women, boys and girls; all could afford it where native cigars sold for a cent apiece, and a few cents would buy enough of cheap paper and tobacco to keep a whole family in cigarettes for a week. The public market was an open plaza, the bare sight of which would spoil the most ravenous appetite for a whole day. There were two little *posadas* or hotels, at

<sup>1</sup> *Adobe* or *adobe*, seems to be a word of Egyptian origin. It describes a composition of gravel, sand and cement, which makes a very solid and substantial wall, and very durable in tropical climates.

<sup>2</sup> *Chichi* is a decoction of maize and molasses; *Aguardiente* is a cheap and villainous species of native brandy.



neither of which it was possible to secure a clean room, a decent bed, or a palatable meal of victuals.

Such was the Barranquilla of 1873, but not the Barranquilla of to-day; for during the past 27 years the place has undergone complete transformation.

The population has more than trebled — it being now about 35,000 — and quite contrary to the general experience, the ratio of increase has been greatest among the whites. This is generally accounted for by the influx of white settlers; and yet even the natural increase has been greatest among the whites. New and costly buildings have taken the place of former shanties. Where once stood only booths and sheds, are now respectable-looking business houses; and there is more than one hotel where a decent room and a clean bed may be had. An excellent and well appointed market house has taken the place of the dirty old plaza. An admirable system of modern waterworks has been substituted for portages by donkey and peon. There are several excellent public schools in the place, besides private schools of a high grade. The streets are cleaner, people dress better, the general tone of society is better, the standard of public morality higher. In short, there are a great many worse places for residence, not only in tropical America but in the United States.

Twenty-seven years ago the average annual exports hardly exceeded \$3,000,000 in value; they now exceed \$20,000,000. About two-thirds of these exports are to England, Germany and France, and in the order of precedence named. A small portion goes to Holland and Italy. Hitherto, we of the United States have been content with a few raw hides and a few bags of second and third class coffee; in exchange for which we have sent a few gallons of petroleum, a few sacks of

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flour, a little lard and a few cases of shoes. And yet whilst the ports of Barranquilla and Carthagena are fully three weeks' sail from most of the European markets, they are less than five days' sail from some of our Atlantic and Gulf coast cities. But there is no direct line of steamers between these Colombian ports and our own; the only available communication being by "tramp" steamers or by small chartered schooners. A cargo is usually reshipped two or three times before reaching its destination, and at a total cost of nearly double the freight rates to the European markets. And the strangest feature of all is, the apparent indifference of our national Congress to the obviously necessary means for increasing this trade; for hitherto every time a proposition has been made to put our ocean carrying trade in a condition to successfully compete with that of England and other European countries, it has been either quietly pigeon-holed in the Committee room or else thoughtlessly voted down in the Committee of the Whole.

The other Caribbean ports on the coast of Colombia are Rio Hache, Santa Marta, and San José de Cúcuta. The two first named are now, and have been for some time, practically "dead towns," in so far at least as exterior commerce is concerned. In the early colonial days, Santa Marta was a place of considerable importance; and some years ago an effort was made to revive it by connecting it by railroad with the Magdalena river, in the hope of diverting a portion of the interior trade from Barranquilla and Carthagena. But the enterprise failed for want of capital, and was never revived. Rio Hache has a fine harbor, but little or no exterior trade. Cúcuta has a fertile and productive region at the back of it, accessible for some distance by water navigation. But in 1876, the city was nearly destroyed

## The Old Spanish Main

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by an earthquake, from the effects of which it has never entirely recovered. It is, however, a place of considerable business importance, and seems likely to become, some day in the future, one of the principal commercial marts of the Republic.

## CHAPTER IV

### THE VALLEY OF THE MAGDALENA

**T**HE river Magdalena and its numerous tributaries drain an immense area of some 15,000 square miles. The river valley proper extends from the coast, where it is over 100 miles wide, due southward to an apex in the heart of the central range of the Andes. The drainage basin branches off at various points, after the first 150 miles from the coast, into a number of smaller valleys and coves, the largest of which is the Cauca, between the western and central cordilleras.

The coast region of the valley is subject to periodical overflows, and no serious attempt has ever been made to reclaim it for agricultural purposes. This, however, might be easily accomplished, and doubtless will be some day when agricultural lands become more valuable, by a system of dykes similar to those on the lower Mississippi. It is certainly a more promising region for such an enterprise than was the lower Schelde, in the Netherlands, before the Dutch successfully reclaimed it from the floods many centuries ago; or than were the Demerara and Essequibo deltas in Guayana, which the same pertinacious people brought under successful cultivation in the seventeenth and eighteenth centuries. As it is, the lower portion of the Magdalena valley is alternated by half-submerged swamp and low grassy plain, and is seldom utilized for anything more

than grazing purposes. Higher up, where the river banks are firmer and better defined, the soil is still of aluminum formation of immense depth and inexhaustible fertility; but for the most part it is yet very much as nature made it. A little farther up, it does not so much present the appearance of a "new country," as it does of a country that has been allowed to relapse into the bush and forest. And this merely accords with the facts of its history. For quite early in Spanish colonial times, when negro slavery was in vogue, this was a cultivated and productive region. It is now inhabited, where it is inhabited at all, by the negro and his mixed descendants, who, for the most part, live an aimless, idle, and shiftless life.

Neither this middle region nor that of the coast is necessarily unhealthful, though both have a bad reputation abroad. There is, of course, an abundance of malaria at certain seasons; but this would soon disappear under proper drainage and cultivation. What the country needs, therefore, is an industrious and enterprising population. Even as it is, its climate is not much worse than that in some portions of Mississippi and Louisiana; and with proper attention to the laws of health, the foreigner need not be alarmed about fever, which is generally of a mild type and yields readily to medical treatment. But here, as elsewhere in the tropics, one must live with constant care. There must be an adaptation to environment. There must be temperance in all things, regularity of habit, careful avoidance of exposure to sun and rain, and to night dews and draughts. If these conditions are strictly observed, the foreign tourist or sojourner need have no apprehensions about his health.

Some two hundred miles up from the coast, the valley branches off into that of the Cauca, — one of the most

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picturesque and beautiful regions on the continent. The upper part of this valley, near the town of Cali, has an elevation of some three thousand feet above sea-level, and the climate is therefore delightful. The temperature is rarely above 75° or below 65° the year round. The soil is singularly productive and well adapted to both sugar and cotton, though very little cotton is now raised there; and that little is generally of a very inferior quality, owing to want of proper cultivation. The foothills on either side are well adapted to wheat and maize, and indeed to most of the cereals of the north temperate zone. The river Cauca is a beautiful stream, navigable at all seasons by small steamers. In the old colonial days, this little valley was an Arcadia of wealth and luxury; possibly the most desirable spot for country residence in New Granada. It is now, for the most part, practically abandoned to the descendants of former negro slaves, and is, therefore, anything but a desirable place of residence for white families.

But to return to the Magdalena. As we ascend the river beyond the mouth of the Cauca, we observe that the banks are firmer and better defined; there are fewer swamps and *bayous*, and a greater number and a better class of houses. This was once a region of vast estates, now fallen into partial or complete decadence. Indeed, one somehow gets the impression that the country is gradually but surely relapsing into its primitive state. Occasionally you see the rudiments of an old plantation, the relic of a former civilization; and sometimes the pleasing evidences of a newer and better condition of society. But for the most part the houses are mere sheds with straw roofs, or rude mud huts with dirt floors, inhabited by negroes and their mixed descendants. Occasionally one sees what appears to be a new town or settlement, with neat tiled roof houses. These

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are of comparative recent origin, and were brought into existence by the river trade which has been stimulated by steamboat navigation. About such places there is usually a large contingent of white men, mostly foreigners; but there are few white families. The negroes, mulattoes, and mestizos constitute the basis of the resident population. The few educated men among them are usually small politicians, who seem to have no thought of making a living other than by holding office under the government. The lower classes are idle, shiftless, and improvident. They have few wants above such as are incident to mere animal existence, and these are satisfied by the indigenous plantain and native fruits and fish.

Such was this region as I first knew it a quarter of a century ago. Since then, there has been considerable progress, but it has been almost imperceptibly slow. In some places there have been attempts — generally by impecunious foreign promoters — to build railroads connecting this part of the river with the mining and agricultural districts in the coves and on the plateaux of the remote interior; but generally all such enterprises have been failures, either for want of capital, or owing to some local “revolution,” and the traditional pack mule is still about the only reliable means of overland transportation.

In some places small traders have established a profitable, though limited business. They buy up and ship to the coast for export such native products as chocolate, coffee, hides, ivory nuts, straw hats, vegetable dyes, and minerals; and import and sell in return, small stocks of foreign merchandise, such as cotton cloths, flour, petroleum, cutlery, shoes, ready-made clothing, stationery, brandy, and brass jewelry. This class of trade has greatly increased within the last few years; but with

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one or two exceptions, it has never expanded much beyond small barter.

In making the ascent of the river from Barranquilla to Honda, one passes through three distinct belts of country; separate and well defined not only with respect to topography, soil, and climate, but no less so with respect to the general appearance and character of the population. First is the great dreary-looking, half-submerged region bordering on the coast, so sparsely populated even by half-naked negroes that it seems a wilderness. Next, in the region of greater elevation, we see groves of the golden mango, where the orange and citron are indigenous, where the plantain and the calabash are ever present, where the banyan tree flourishes, and where the nut-palm and the wild oleander grow to perfection.

Thence we pass up into the volcanic region, where grandeur of mountain scenery, fertility of soil, and salubrity of climate combine to make a most interesting and attractive country. Here one occasionally sees traces of the negro, but he is almost an exotic. The basis of the rural population is the native Indian, whose mother tongue he has now quite forgotten, and whose ancient civilization and religion has been lost in that of the Castilian.

The negro of the lower valley is not essentially different from the types of his race elsewhere, except perhaps that he is a trifle more idle and shiftless, and possibly more aggressive and quarrelsome. He is often coarse and offensive in language and manner, generally grossly immoral, and always very superstitious. And although constantly acting as if conscious of his inferiority, he is every ready on the slightest occasion to assert his fancied "equality," and seems to have an impression that some one is always trying to impose upon him.



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The native Indian of this region is a copper-colored, short, stocky, broad-chested fellow, with beardless face, high cheek-bones, straight black hair, soft dark eyes, great white teeth, and small well-shaped hands and feet. He is naturally hospitable and civil, always dignified and courteous in manner, generally evasive and untruthful, but seldom disrespectful, either in language or bearing. He rarely enters into an angry altercation, and seldom drinks anything stronger than his native decoction of maize and molasses. He believes in dreams and angelic visitations, and is governed by a deep native religious sentiment, now directed by the Roman Church. In this he differs greatly from the Magdalena negro, who, while believing in witchcraft, charms, and incantations, generally pays very little attention to the teachings and requirements of the Church, and rarely consults a priest except when he falls suddenly ill and thinks he is about to die.

The river itself is not the least of the many physical curiosities of this curiously interesting region. With its sources in the snow-capped ridges of the Andes, directly under the equator, at an altitude of more than two miles above the sea-level, it rushes down a succession of steppes and perpendicular cliffs till it reaches the head of the great valley, whence it flows in rapid whirlpools in general direction northward to the Caribbean, — thus constituting the geographical complement of the Mississippi, which it somewhat resembles, and carrying down its rapid current a volume of sand and water nearly as great. It is always very muddy, whether at high tide or low, whether in the midst of the wet or dry season. It is no unusual thing, especially in the upper reaches of the river, during high tide, for the waters to be so heavily charged with sand and sediment as to cause a metallic, tinkling

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sound as the current breaks against the prow of the steamer.

The navigable channel is constantly changing; now undermining the banks beneath the little Indian villages, now uprooting whole forests, and now cutting away little islands and forming new ones. Sometimes the current ploughs its way through the soft loam across a great bend leaving towns and villages many miles inland; as, for instance, in the old Spanish city of Mompox, which less than half a century ago was on the river bank, but is now fully twenty miles distant. In some places the river is spread out over an area of from six to eight miles in width, with numerous mud islands and sand bars between its opposite margins. In others, it is forced between two projecting mountain spurs where the current is so heavy and rapid that its ascent by steamers is both difficult and dangerous. In others, it is but a succession of cataracts and whirlpools, where the smoke-stacks and hulks of sunken steamers attest the constant perils of steamboat navigation.

It is not much wonder, then, that freight tariffs are fabulously high, or that underwriters' rates should seem excessive. Pilots complain that the caprices of the river are so uncertain that they "never know exactly where to find the water." If, for instance, on the upward voyage the navigable channel be found near the right bank, it may be found near the left bank, on the return voyage. Or, if there be high tide in the morning, it may have dropped down from ten to fifteen feet before midnight. River men say it may be high tide at sunrise and low tide by noon; and I have myself witnessed a rise or fall of eight feet in less than two hours.

Before the era of steamboating in this part of the country, the river navigation, here as in the Orinoco,

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was by means of large canoes or *bungoes*. Many of these rude contrivances are still to be seen in the Magdalena, especially in the upper reaches of the river. They are usually covered with oval roofs of bamboo and thatch for the protection of cargo and passengers against sun and rain, and forced up stream by poles and paddles, or else hauled up through the rapids, Chinese fashion, by ropes and windlasses. It was in this way that all the traffic of the river was conducted for more than three whole centuries; and the people were probably as happy and contented then as their descendants are now. But one naturally wonders how they had the patience to make these long trips in such clumsy crafts. Even as late as 1825, one of our diplomatic representatives at the Colombian capital (General William Henry Harrison) congratulated himself upon having made the trip safely from the coast to Honda, in one of these *bungoes*, in forty-two days! Some years later it took a member of the Colombian Congress sixty-odd days to reach the national capital from his residence near Carthagena.

The river abounds with every species and variety of fish and reptile usually found in tropical waters. The fish of commerce is a large species of coarse salmon, here known as the *bacällo*. It is caught and dried for market very much in the same manner as is the salmon in Japan, and is about as coarse grained and tasteless. The *caiman* or common alligator is seen constantly after the first few days' ascent; and in many places are large specimens of the *gavial* and the genuine crocodile. Some of these huge monsters are fully thirty feet long, and will not hesitate to attack a man if he puts himself in their way.<sup>1</sup>

<sup>1</sup> Even the loathsome *gavial* has its close and confidential friendships. It usually lies with its mouth open in order to catch its food. A species

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The forests and jungle on the margins of the river are resonant with the songs of tropical birds of the most gorgeous plumage, and the boughs of the tall mangrove trees seem alive with troops of red monkeys. Sometimes between sundown and dark, when the vessel is tied up to the bank for the night, you will see the sloth (*Bradypus-Tridactylus*) and the armadillo (*Dasypus-Novemcinctus*) as they venture out in search of food. The wild boar is more common, and I am told there are plenty of panthers and lions, but I have never seen either in this locality.

The popular opinion is that these forests and jungles, and indeed those of tropical America generally, are full of poisonous snakes and reptiles; but although I have passed up and down this river more times than I can remember, and have spent whole weeks at a time in the wilds of the Andes, I never saw but one or two insignificant-looking snakes, and these were not of a venomous species. I never once encountered a rattlesnake, nor anything more formidable than the *negue*<sup>1</sup> and the scorpion.

The geographies and atlases of the country tell us that Honda is the head of steam navigation on the Magdalena. This is not quite correct. The steamers never at any time attempted to go farther up than Carocali, a boat-landing at the foot of the falls, some two and a half miles below Honda; and for some years

of small gnat flies into the reptile's mouth in such numbers as to cover the entire surface of the palate, and often excites it to madness by their stings. A species of bird, peculiar to the tropics, comes to the monster's rescue by flying into its mouth and devouring the gnats. And although the rapacious reptile lives on flesh, and might thus have a delicate morsel, it shows its recognition of the service by never once harming the bird.

<sup>1</sup> A microscopic insect which bores into the flesh, often producing serious lameness.

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past they have never gone beyond Las Yeguas, a comparatively new station, fifteen miles lower down, now connected with Honda by a narrow gauge railway.

Above the rapids the river is again navigable by light draught steamers as far up as Ambalema, the great tobacco-growing region. The railroad from Las Yeguas to Honda has been recently extended thence up the left margin of the river to Jirado,<sup>1</sup> and thence across the country to Tocaime, in the lower valley of the River Bogotá, or Funza as it is sometimes called. More recently this road has been extended up the Funza valley as far as Anapoime, and the project is to extend it by way of the town of La Mesa, zigzag up the mountain side, to the western edge of the great alta-plain of Bogotá. The road from the edge of the plain across the great savannah, some thirty miles to the national capital, on the opposite side, is already completed, thus shortening the mule ride to about eight hours, provided this new route should be chosen in preference to the old one.

Next to Bogotá, Honda is perhaps the oldest and best known place in the interior of Colombia; but it is not much of a town after all. Its central location, at the convergence of several fertile little valleys, gives it a commercial and military importance; but the town itself is anything but attractive as a place of residence. The temperature is rarely below 85° any day in the year; and although there is no apparent cause for it, malarial fevers are not unusual. The climate is peculiarly enervating, and resident foreigners (to adopt their provincial mode of expression), soon become "limp and fagged out." The houses are generally larger and better constructed than hitherto seen on the river. The streets are very narrow and crooked, generally well paved with

<sup>1</sup> Pronounced He-rah-doe.

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rough cobble-stone, but seldom very clean. Little or no attention is paid to sanitation. The total population of the town is variously estimated from ten to fifteen thousand, perhaps fully two thirds of which are the usual mixtures of Indian and Spanish creole. Occasionally one sees the mixed descendants of the African negro, but not very often. The foreign residents are English, German, and American, with a few French and Italians. The principal commission house or "Factory," established by an American early in the fifties, is still conducted by American merchants.

If any one who reads these pages should think of undertaking this river journey, let him be advised to make up his mind to "rough it." Leave all notions of luxury behind. Provide your own mosquito bars before leaving Barranquilla; and see to it that they are close and strong, for after passing the habitat of the big "gullinippers," you will enter the domain of the pestiferous little sand fly, which is even more annoying. And when you reach Honda, you will have the fleas, for which I know of no remedy. Do not be offended at the odor of garlic on your steamer or at your hotel; it is quite harmless, and you will soon get used to it. Never ask for or even think of ice-water. Cultivate a liking for tile floors (never overly clean), and for cross-legged cots which were once white. Let brandy severely alone, and put a little quinine into your glass of tepid river water before drinking it. Never bathe before ten in the morning nor after four in the afternoon, and avoid night draughts and dews as you would a pestilence.

## CHAPTER V

### A MULE RIDE IN THE ANDES

**T**HERE are now three available routes from Honda, the head of steam navigation on the Magdalena, to the great savannah of Bogotá on which is situated the capital of Colombia; whereas, only a few years ago, there was but the one,—the old mountain trail of the sixteenth century, often too narrow for two mules to walk abreast, and generally so crooked and precipitous as to be a terror to inexperienced and nervous people. We may, if we choose, go around by way of Jirado, Tocaime, and La Mesa,—making part of the journey by modern railway, part of it by coach, and part on mule back,—and reach the southwestern edge of the plain a few miles from the head of the great Tequendama Falls. Or, if preferable, we may proceed from Jirado by the still more modern and direct route,—most of the way in coach or ox cart if the road happens to be in good order, which however is seldom the case,—and reach the western edge of the plain near the town of Agualarge on the crest of the great sierra. But the surest, as well as the most frequented route is the old one directly across the mountains from Honda to Agualarge; and this will have to be made all the way on mule back, just as it was three centuries ago.

Deciding to take this last named route, the first thing to do is to get ready for the journey; and this will require time, patience, and forethought. Good mules,

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well trained to the road, can be had through local contractors who make it a regular business. The mules will cost from eight to ten dollars per head for the trip; and this will include the services of an experienced guide or muleteer, but not the feed of the mules on the way, which will be an additional charge of about forty cents per head daily. We shall have to buy or hire also our own saddles, bridles, blankets, and other articles necessary to the outfit, for the contractor furnishes nothing but the mules and pack saddles.

After perfecting all arrangements the day before, we rise at six in the morning, take a light breakfast of chocolate and bread, and hope to be well on the way by seven, while the air is yet fresh and cool. Vain hope! If we get under way by nine or ten we shall be fortunate. The mules, although usually brought in from the *potreros*, or pastures, the evening before, are never quite ready on time. There is always a delay of an hour or so in adjusting our luggage on the pack saddles. A bridle or a girth or a saddle blanket or something is almost sure to be missing. The muleteer invariably forgets something, and quite as invariably takes his own time in hunting it up. It is worse than useless to try to hurry him. In this country, people take life leisurely, and never think of doing to-day what may be by any possibility put off till to-morrow. *Mañana* ("to-morrow") is the one stock word in the native dialect the meaning of which every one must learn to understand and appreciate if he would get along without useless worry and waste of nervous force.

Even after all things are ready, and we are fairly mounted, the delays are not over. Both mule and muleteer seem loath to "get down to business." They will stop and loiter at every little way-side *chicheria*,<sup>1</sup>

<sup>1</sup> A wayside shop in which native drinks are sold at 2½ cents each.



and if the muleteer solicits a "loan" of a few *reales*<sup>1</sup> with which to buy parting drinks for himself and friends, it is always good policy to cheerfully grant his request. Of course he has no expectation of ever returning the money, or that you will be so ill bred as to ever ask him for it. But we need have no fears as to his drinking; he is not going to get tipsy till we reach our journey's end. He will then expect another small "loan" of a few *reales* with which to have "a good time" on his way back. Upon the whole, he is not a bad sort of fellow. He is usually a short, broad-chested, stocky, half-breed Indian, scrupulously polite and civil, and generally very obliging and useful, provided you show no impatience with his dilatory ways and do not undertake to hurry him.

As we ascend the first spur of the Cordilleras we get a fine view of the upper Magdalena river and valley, which from this altitude look like a vast ocean of green billows with a muddy little streak running between them. Above this, but still far below us, float great pillows of white cloud casting dark and ever-changing shadows over the green landscape, while just beyond are the snow-capped mountains of Tolima, which seem to pierce the very sky. The picture is one which no artist has ever succeeded in putting on canvas, yet, once seen, is ever fresh on the tablets of memory.

An hour or so later, and almost before we realize it, we are well out of the torrid heats and into the region of perennial spring. The atmosphere has now become singularly clear, crisp, and exhilarating; we seem to breathe more deeply and easily, the limbs regain their wonted elasticity, and the mind becomes clearer and more active. As we gaze in rapture upon the majesty and grandeur of the scenery before us, we readily for-

<sup>1</sup> A *real* is a native silver coin worth about ten cents.

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get the petty annoyances of the early morning, and the multitudinous discomforts of the past two weeks' journey.

A little farther on, we reach the crest of the great dividing ridge between the valleys of the Magdalena and the Guaduas. Here we get our first view of real Andean scenery; and the first thing that impresses us is the almost painful stillness of the place. Not a sound is heard save the flitting of a few lonely sparrows: all nature seems to be in majestic repose; the cares and bustle of mundane life are all far beneath us, and we seem almost face to face with the Divine. To the eastward are the snow-capped ridges of San Ruiz, and a little to the southward, and much nearer, are those of Tolima, already noticed. Towering above all these is the great cone-shaped peak of Tolima,—the highest point on the continent north of the equator. Running up from a tropical base through all the climes of the globe, with belts of herbage of every latitude on its steep and mottled sides, the hoary pinnacle of this great mountain seems to pierce the very sky. In the thin, transparent atmosphere, distances are very deceptive, and this majestic sentinel of the Andes seems but a few furlongs distant. It really looks like we ought to be able to reach its base in a couple of hours at least. But it is more than a hundred miles distant, and to reach it by the ordinary route and mode of travel would require a whole week of the hardest kind of riding. To our left, far beneath us, is the beautiful little lozenge-shaped valley of the Guaduas, encircled by a high wall of treeless mountains and fringed on all sides by a green border of coffee plantations and bamboo groves. In the centre of this valley, nestled among the plantain and bamboo, is the red tiled village, sometimes dignified by the name of city; and meandering through the centre

of the valley is the rapid-running little river of clear mountain water, which at this distance looks like a mere thread of silver. This little river, valley, and city are directly in the line of our journey; and the serpentine mountain path on the sierra beyond, now so distinctly visible, yet so remote, must be climbed to-morrow. The little city just below us will afford lodging for the night; but we must break away from the enchanting scene which has held us spell-bound for the last hour, if we would reach the *posada* before dark, for the distance is at least five times greater than it appears. So down, down we go; now skirting a rocky cliff, now crossing a deep cove, now ascending, now descending; now traversing the sombre margins of a beautiful moss-grown dell; then down again by a yawning precipice, where a single misstep would send both mule and rider beyond the cares of this world; finally down a rocky ledge over which it would seem even a goat could scarcely pass in safety, and just as the short twilight of a tropical evening is merging into thick darkness, we find ourselves sitting in the piazza of the hostlery enjoying the soft and balmy atmosphere of the place. Anon we have a dinner of soup, fish, boiled meats, and vegetables, all cooked in Spanish style with an abundance of garlic and red peppers, followed by a variety of *dulces*,<sup>1</sup> white cheese, coffee, and cigars, and then to bed. And ah! how we enjoy the sound sleep on a hard raw-hide cot — not overly clean perhaps — despite the fleas and the dirt!

This little valley is about 3,000 feet above sea-level, and therefore has a mild and equable climate. The temperature seldom varies five degrees the year round. Indeed, it is rarely above 70° or below 68°. A perfect

<sup>1</sup> *Dulces* ("sweets") is the common name applied to all forms of dessert.

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paradise, you say? Well, not quite! There are other conditions than temperature necessary to an ideal paradise; and even the climate is somewhat deceptive. For before we shall have tarried long we shall discover that the atmosphere is quite damp; that the water, though clear and sparkling, is loaded with deleterious mineral substances; that rheumatism, diphtheria, and goitre are common ailments; and that very few old or even middle-aged people are to be seen moving about the streets.

The population of the town — or “city” as it is in courtesy called — hardly exceeds 20,000. Of these perhaps one fourth may be of pure Caucasian descent. The rest is a mixture of Indian and white, with a few lonely and discontented-looking mulattoes and octoroons thrown in. You rarely see a fine specimen of robust and vigorous manhood; never perhaps except among the native Indian population of pure descent, and even these would not be so regarded in the United States or England.

The town, like the river and valley, derives its name from that by which the indigenous *bamboo* plant is known in the language of the country. From time immemorial the Indians have utilized the *guaduas* or bamboo in their crude arts. Houses, fences, furniture, and water-vessels are all made of this feathery and graceful plant, which here grows to an enormous size. But I never heard of the bud of the plant being used for food as in China and the East Indies, where it is considered a great delicacy.

From Guaduas the line of our journey, as I have said, lies zigzag directly over a second ridge of the sierra. It will require fully three hours to reach the crest, and then we shall have to descend the opposite side to another little valley called Las Tabuyas, — some 500 feet

greater altitude than that of Guaduas. By the time we reach the little *posada* we are ready for the midday meal, here called *almuerzo* or "breakfast." Aside from good coffee, some stale bread, a few boiled eggs, and chicken that has been spoiled in the cooking, there is little to tempt the appetite. But to a hungry man this is a princely breakfast. Besides, the coffee is really very fine; you can never hope to get anything like it in the United States, and you wonder why it is that Anglo-Americans seem not to know the difference between a cup of slop and real coffee. The fact is, we do not know what a cup of real coffee is till we visit our Latin neighbors across the Caribbean, nor realize what genuine tea means till we have drank it with our almond-eyed brethren in "far off Cathay."

Turning our backs upon the beautiful little valley of Las Tabuyas, we begin the ascent of a third and still higher ridge of the Cordillera. Anon we reach its dizzy crest; and looking across a third valley, we get our first glimpse of the town of Agualarge, — our last stopping place before reaching the great savannah of Bogotá. In this thin transparent air, the little mountain town looks as if it might be within pistol-shot; but it is really more than ten miles distant as the crow flies, and fully three times that distance by the mule road. Looking down almost directly beneath us, we see the little town and valley of Villeta through which our way leads. It seems to be just at our feet, as it were, and that we ought to be able to make the descent in half an hour at least; yet if we get down to it within two and a half hours we shall do well.

By the time we reach the little village *posada*, it is already past four o'clock in the afternoon, and the sun is obscured by the high mountain ridge which casts a deep shadow across the entire valley; yet we observe that

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the temperature has risen fully 15 degrees since we left our perch on the crest of the dizzy ridge which we have just crossed. With a relay of fresh mules, we might easily push on to Agualarge before bed-time; but why hurry? "*Mañana* will be a new day," as they say here; and we would better remember that we are in "*a mañana* country," put up for the night, and begin the tedious climb early in the morning.

The little town of Villette is a collection of mud huts with thatched roofs and dirt floors. There are a few better houses, but the *posada* is not one of them. In fact it is usually about the meanest looking house in the place. The furniture consists of a few rough pine-tables, a few wooden benches, a few clumsy wooden chairs with raw-hide seats and backs, a soiled hammock or two, and some very dirty looking cross-legged cots. If there happens to be a looking glass about the room, it is sure to be both dirty and broken. The ewer and basin are of tin or white metal, and look as if they had never been washed. If the dining-table happens to have any linen, it is generally soiled with grease or coffee. The knives and forks are of the cheapest and most primitive pattern. The principal articles of food are coffee or chocolate, cold bread, stringy yellow-legged chicken cooked in a way that it is not likely to tempt the appetite, a little white cheese, brown sugar, and possibly some black molasses. But the temperature is rather too warm for fleas, and despite the environments we have a refreshing night's rest.

The population of the village is probably five or six thousand, and is made up mostly of civilized Indians and their mixed descendants. The climate is even hotter than that of Honda, but dry and healthful. Indeed, Villette has long been regarded as a sort of sanitarium, and rheumatics and paralytics from the capital

flock hither during the annual "dry season" in order to avoid the cold mists and vapors of that elevated region. Of course they all have to "rough it," as we would say; but even that has its attractions after a long season of confinement in the city, and the most fastidious devotee of "Society" likes to unbend occasionally.

Within easy distance of our little *posada* is a somewhat noted spring of sulphur water, and near by is another containing a large percentage of arsenic. That high sombre-looking peak which we see to the southward, just beyond the village, is an extinct volcano. It still smokes a little occasionally, and Humboldt, who spent some time here, is said to have predicted, nearly a hundred years ago, that it would one day break out and destroy the town. But the town is still undisturbed in its sleepy quietude, and people do not seem to mind the smoking. The little river which trails, serpent-like, through the centre of the valley, is as black as ink, owing to the passage of its waters through adjacent beds of slate, coal, and iron.

Up to this point, our journey has been literally one of "ups and downs." We have ascended the dizzy heights of three great spurs of the Cordillera, only to descend on opposite sides; have crossed two deep valleys, only to find the bottom of a third, very much deeper than either. In most places the narrow road has been crowded with beasts of burden, going and coming; yet in many places it is not wide enough for two of them to walk abreast, and it is often so crooked and precipitous that considerable care is necessary in order to keep from pitching over the mule's head. And this, we may remember, is the great national highway, "*El Camino Real*," of Colombia, the only avenue of communication between a fashionable city of over a 100,000 inhabitants

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and the outside world! Two hundred and fifty years ago it was very much as we see it to-day. There has been almost no improvement; and the means of travel and transportation were identically the same as now. In the time of Philip II., it became known as "the Royal Highway" (*El Camino Real*) of New Granada. Being the only available route from the vast plains of the interior to the nearest navigable river, one naturally wonders why it was never any better. It seems to have been constructed without any previous survey, and in utter contempt of either convenience or economy. It makes short curves where curves are unnecessary, and goes straight up and over some dizzy peak where the ascent might have been rendered less difficult and painful by easy curves. And although the travel and traffic over it are enormous, there is hardly a place on the whole route where one can get a decent bed or a respectable meal.

But these inconveniences and hardships are compensated by the varied and captivating scenery; and generally it is precisely this part of the wild journey from the coast to the capital that every one enjoys most. The traveller passes through almost every variety of climate within the space of a few hours. At one time he is shivering as if in the bracing atmosphere of a crisp November morning. An hour later he is panting and perspiring on the borders of some deep valley, "where the summer never ends," and where bounteous crops of fruits and flowers chase each other in unbroken succession from January to December. Very soon he is skirting the point of some bleak *paramo*, where neither tree nor shrub is to be seen, and where the flitting of a lonely sparrow gives the only evidence of life. An hour later he is again in the midst of a dense tropical grove, resonant with the notes of birds of rich and gorgeous plum-



age, and where the air seems loaded to suffocation with floral perfumes.

Agualarge is just below the outer edge of the great savannah of Bogotá. Twenty-five years ago there was nothing there but a dirty little *posada* which was chiefly remarkable for its fleas and vermin. It is now a neat little village of well-built houses, the site of a new steam tannery and shoe manufactory.

The transition from the intense heat of Villete to the damp and penetrating winds of this elevated region has been a journey of less than four hours, and one feels the effects of the change very keenly. The ears and fingers fairly ache with cold, and a strange feeling of numbness creeps over every limb. Thick flannels and overcoats, such as are worn in Washington in December, are now very comfortable, although it is midsummer and we are under a tropical sun.

As we pass over the crest of the sierra to the edge of the great alta-plain, we are greeted by a climate of perpetual spring. Here the mercury seldom rises above  $65^{\circ}$  or falls below  $60^{\circ}$ ; and whether the time is December or May, we see ripening wheat-fields and green pastures, all fringed with wild primroses, geraniums, and other perennial flowers. We can hardly realize that we are not somehow in the north temperate zone; or that the people we meet on the way-side are of the same race and nationality as those of Panama and the lower Magdalena valley. We note that agriculture is in a somewhat primitive state, but it is at least a half century in advance of anything we have hitherto seen in the Republic. The enclosures are of stone or adobe, and the spacious farmhouse, or *quinta*, has an air of palatial elegance compared with anything hitherto seen in the country. The people have a fair and ruddy complexion, at least as compared with those

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of the lower valleys; and their dialect is a near approach to the pure Castilian. We observe a number of fine omnibuses and coaches; the ox-cart has supplanted the traditional pack mule; and we occasionally see the patent plough, the neatly painted harrow, the steel spade, the patent reaper, and other evidences of modern agricultural industry.

But none of these implements were made in Colombia. Even the coaches and omnibuses have been imported from abroad, and transported in sections over the mountains we have just crossed. One man will carry a wheel, another an axle, a third the coupling-pole, a fourth will carry the bolts and screws, some half-dozen others will carry sections of the body, and so on, comprising the entire outfit, often including the harness itself. When all the pieces reach a common destination on the edge of the plain, they are carefully collected and put together by some native smithy, whose very anvil, hammers, tongs, and bellows have been carried over the mountains in the same way. One hardly knows which is the greater marvel, the failure to manufacture such things here, where the raw materials are so abundant and convenient, or the almost insurmountable obstacles overcome in their importation.

I have referred, incidentally, to the tropical flea. We first make his acquaintance at Guaduas, soon after bidding adieu to the mosquito and the sand-fly of the Magdalena. Our relations with him become more intimate at Chimbi and Agualarge; and by the time we reach the towns and cities of the great plain we have him for an inseparable companion. It has been well said that "he is no respecter of persons; neither is there any cadishness about him." Cleanliness affords no immunity from his familiarities. Strip and bathe, sweep and dust never so often, he still insists upon

keeping you company. Quaint old Tusser has somewhere said, that if, —

“While wormwood hath seed,  
You take a handful or twaine  
To save against March  
To make flea to refraine,

“And chamber be swept,  
And wormwood be strewn,  
No flea for his life will  
Dare abide to be seen.”

But this was not written of the ubiquitous Colombian flea. With respect to him, Tusser's remedy is worthless. However, after we are here for a while we will notice the nuisance less. Whether this is because we have got used to it, or whether it is because the little pest considers us naturalized, and therefore entitled to the same immunities as the natives, I know not; but it is a notable fact that natives seldom complain of fleas.

At Manzanas, near the western edge of the plain, we dismiss mules and muleteer and make the balance of the journey to the capital in omnibus or coach, leaving trunks and luggage to be leisurely carted across the plain in clumsy two-wheeled vehicles drawn by oxen.<sup>1</sup> The oxen are of gigantic size, and are hitched to the vehicle in a most singular manner. A heavy beam of wood is lashed to the horns of the beasts and rests across their foreheads. The tongue or pole of the cart is then fastened to this cross beam or yoke; so that the weight of the massive pole and a part of the cart-bed and its contents rest on the front part of the oxen's heads instead of upon the backs of their necks. In other words, the team pushes rather than draws the

<sup>1</sup> This was the case till a very few years ago. There is now a railroad across the plain to the city.

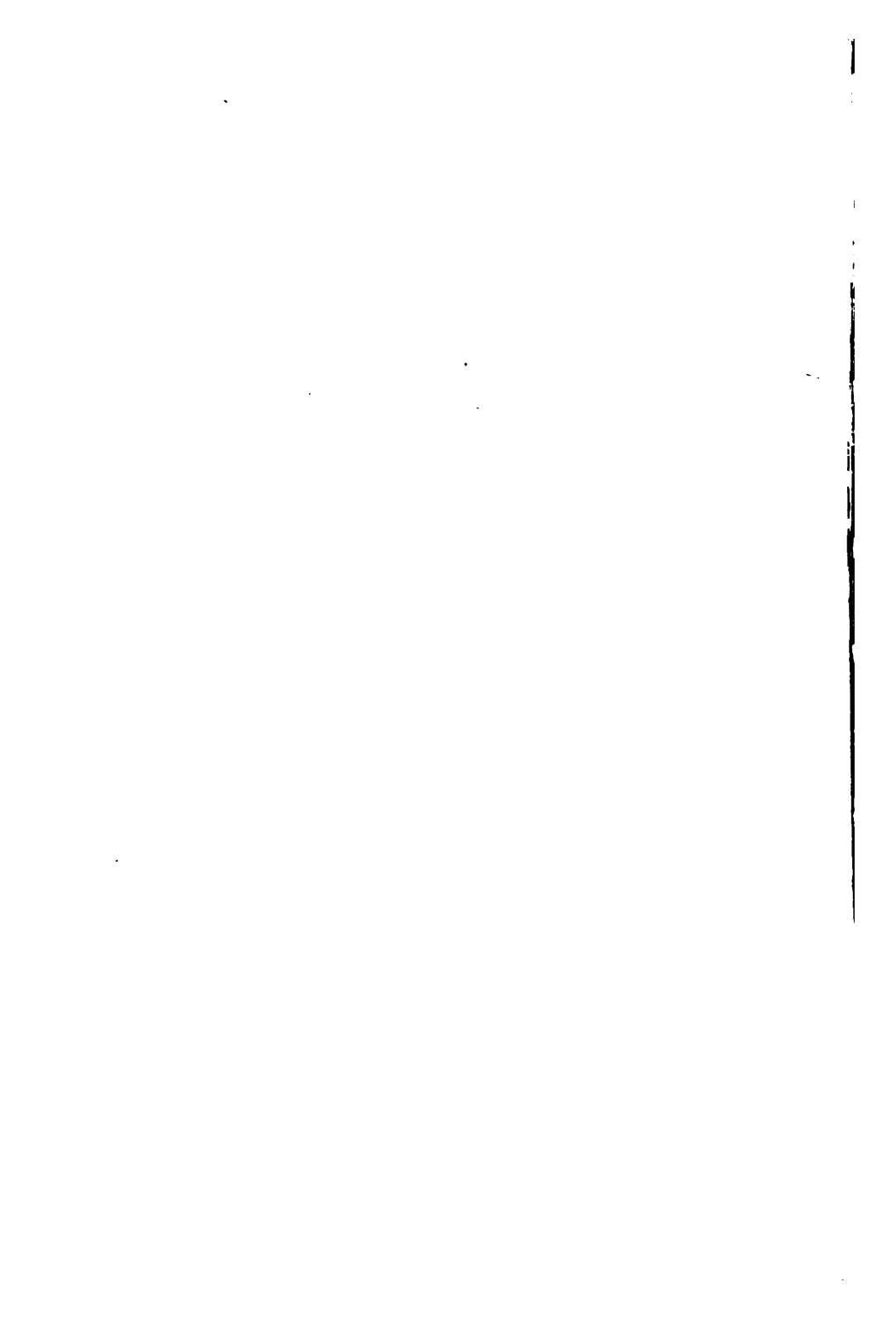
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burden. The contrivance seems a little barbarous, but it is the uniform custom of the country, and no amount of persuasion or remonstrance can induce the cartman to change it. He uses neither line nor whip, but trots along before his team and prods back at them with an ox-goad or rude spear, Asiatic fashion.

There is a peculiarity also about the coach or omnibus. The horses are wiry and vicious-looking little animals which seem never to have been groomed. Their natural gait is either a sort of amble or else a full gallop. They cannot be made to trot. The driver makes no effort to check or regulate their speed, because that would result in a full stop, and he knows the difficulty in getting them started again. When they take the sulks and refuse to move on, a boy rides before and pulls them along by a raw-hide lasso fastened to the pommel of his saddle. As soon as the balky team begin to feel the tension of the lasso they move forward at a full gallop; and as the boy goes bobbing up and down, pounding his rough wooden saddle with his posteriors, you naturally wonder what the little fellow is made of that he is not soon mauled into a jelly.



INTERIOR OF A FRUIT MARKET, BOGOTÁ



## CHAPTER VI

### THE COLOMBIAN CAPITAL

**I**F we could go to sleep in Washington and wake up next morning in Santa Fé de Bogotá,<sup>1</sup> our first impressions of the quaint old city would hardly be favorable; and, as first impressions are generally lasting, the probabilities are that we should never learn to like the place. But after a month's journey, such as I have attempted to describe, one is generally in a frame of mind to appreciate almost any change, particularly if, as in the present case, it be for the better.

Our first impressions of Bogotá are those of surprise and admiration, — surprise at finding so large a city perched up in the heart of the Andes fully “six hundred miles from anywhere,” and admiration of the surpassing natural beauty of the locality. Our next impressions are that it is one of the most quiet, conservative, slothful, and restful places on the face of the earth, conditions which one appreciates all the more after the hard experiences of the long journey from the coast. After a day or two we discover that the climate is simply perfect, and that the matchless scenery never palls upon us. In the course of a few days more, we discover that many highly educated and accomplished people live here; that there is an inner circle of society equal to the best in Washington; and that the inhabi-

<sup>1</sup> As the present capital of the Colombian Republic was called prior to the independence of the country. It is now known simply as Bogotá.

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tants are generally kind, considerate, and hospitable. And so it is that strangers generally like the place, leave it with more or less reluctance, and rarely fail to cherish the most pleasant memories of it.

The city is beautifully situated on the extreme eastern limit of the great savannah, at the base of two high peaks of the central cordillera which reaches up to just below the perpetual snow limit. From these peaks — known as Guadeloupe and Moncerrate — we get a very fair view of the interior of the Republic. The snow-capped mountains of Tolima and San Ruiz lie some ninety miles to the westward, their great frozen sides glistening under the rays of a tropical sun. Far northward are the fertile valleys and tablelands of Santander and Boyacá. To the eastward are the rich mining districts of Antioquia, and southward the high ridges which limit the great *llanos* of San Martin in the valley of the Meta, one of the principal affluents of the great Orinoco.

The streets of the city run eastward up the acclivity to a wide avenue cut in the side of the mountain, and are crossed at right angles by those running north and south. The blocks or squares thus formed rise one above another like the benches of a great amphitheatre; the terraced sierra above, and the overshadowing peaks of Guadeloupe and Moncerrate corresponding to the lobbies and balconies. In the middle of each street, extending up the acclivity, is a rapidly running stream of water, supplied from sources far up in the crevices and coves of the mountain, and which, after passing through and washing out the city, disembogue into the little river San Francisco, one of the main affluents of the Funza.

On the crests of the peaks of Guadeloupe and Moncerrate are two massive cathedrals, visible from nearly



all points on the opposite side of the plain. They are quite inaccessible except to pedestrians, and to pedestrians only after some three hours of very hard climbing. We naturally wonder why these great temples were built there. Nobody ever lived near them, and the bleak and icy *paramo* beyond is uninhabitable. There is really no necessity for them; for there are some thirty odd other cathedrals and chapels in and about the city, and if these were not enough, there is ample room for more in localities that would be accessible.

Some of the geographies and encyclopædias tell us that the streets of Bogotá are "wide and well paved," and that the city contains "many elegant and costly public buildings," among which is "a well appointed theatre and an astronomical observatory." As to the streets, they are indeed a trifle wider than those usually found in Spanish-American cities; and they are generally well paved after the manner of those of the sixteenth century,—that is to say, with cobble-stone over which it is next to impossible to drive a vehicle, or even to walk with comfort. The sidewalks are of smooth stone or brick, but generally so narrow that when two pedestrians meet, one of them is obliged to take the gutter. There are many spacious public buildings; but with the exception of the new capitol and executive mansion, they are generally old convents and monasteries adapted to official uses. There is a large theatre building also, but it is generally shut up except once or twice a year, and even then it is so dirty and full of fleas that few people care to enter it. And there is the national observatory, that is to say, the old building was there at the time of which I am now speaking, some twenty-five years ago. Since then it has been repaired, and the old broken instruments have been

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brushed up and mended, or else replaced by new ones. It was founded nearly a century ago by Don José Celestino Mútes, a native scientist who espoused the patriot cause in the contest for independence, and perished in that memorable struggle.

Bogotá was founded by Gonzalo Jiménez de Quesada, the conqueror of New Granada, in 1538. It was constituted a "city" by royal decree of the emperor Charles V., in the early part of his eventful reign, and has long been an archiepiscopal See of the Roman Church. It now contains some thirty-three church edifices besides the metropolitan cathedral. It has also one Protestant church (Presbyterian), which was completed and opened to public service in 1876. There is a mint, a public market, a national library of some 75,000 volumes, and a museum of antiquities and natural curiosities; a national university with faculties of law, medicine, engineering, philosophy, and natural sciences; an ecclesiastical seminary; an institute of fine arts, and many public and private schools for the education of the youth of both sexes. There are three large and beautiful parks, in which are costly bronze statues of the early heroes and statesmen of the Republic; an abundant supply of clear and pure mountain water, and a system of tramways connecting the city with suburban villages. The city is now well lighted by gas and electricity. The present population is something over 100,000, generally white or a mixture of white and Indian races. There are almost no negroes or mulattoes, very few quadroons and octoroons, and perhaps less than a dozen English or American residents.

The city is very compactly built. There are no intermediate vacant lots, no side or back alleys, no front yards and lawns; you see only streets and houses and little plazas and parks. Each of the four sides of the

squares is enclosed by what appears to be a solid adobe wall with doors and windows. This wall extends from corner to corner, all around the square, and is from thirty to forty feet high. It stands right on the edge of the narrow sidewalk, and has overhanging eaves and balconies. This is as it appears to the stranger; but in reality it is the united fronts of the houses. The division walls, equally thick and strong, start at right angles from the inner side, and extend back to about midway the block, where another high wall separates the abutting premises. The only entrance from the street is through a very wide double door, or *porton*, as it is called, which opens directly on the sidewalk. A wide and well-paved hallway leads from this entrance through a second door, or *porton*, into a wide corridor, and thence back through an inner court to the rear of the premises. In the first corridor is a wide stairway, usually of stone or tile, which leads up to the corridors of the second story of the building, which is properly the family residence. On this second story corridor, which extends all around the four sides of the hollow square, or *patio*, open the rooms of the dwelling. The drawing-room and parlors open upon street balconies on one side and the *patio* and corridor on the other. The dining-hall is usually just opposite, on the farther side of the *patio*. The bed-chambers and sitting-rooms are between, on both sides of the *patio*. The kitchen, pantry, etc., are back of the dining-hall, and open upon a second court or *patio*. The style of architecture is uniform, old-fashioned, comfortable, admirably adapted to this mild and equable climate, and affords absolute privacy. When the great front door, or *porton*, is shut and bolted, the house is a veritable "castle," no less in reality than by legal fiction.

There are no tenement houses as such, and few cot-

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tages for the poorer classes. The ground floors of the fronts of the large houses are generally subdivided into small apartments, or *tiendas*, which open directly on the sidewalk. In the business part of the city these *tiendas* are rented as shops, offices, and stores; those more remote are rented to poor families for residences. In the case last named, the room is rarely more than fifteen or twenty feet square, and has no ventilation whatever except through the open front door or a little twelve by fourteen inch window on the same side. There is neither door nor window on the opposite or inner side, for that would of course destroy the privacy of the mansion above. Neither are there any of the ordinary appliances for cooking. The same room usually serves as kitchen, dining-room, parlor, and bedroom. There are none of the ordinary arrangements for the convenience or necessities of the smallest family; and as there are no public privies, the cañoes in the public streets are sometimes used by the common people for that purpose. It seems almost incredible that such a condition of affairs should exist in a large city where there is so much culture and refinement amongst the upper classes; where even the poor classes are civil and courteous, and where the external forms of religion are so generally and so rigidly observed by all classes and conditions of people.

The sidewalks, as I have said, are rarely wide enough for two persons to pass each other. People walk single file, Indian and Chinese fashion. When two pedestrians meet, one "takes the wall" and the other the gutter; and this not unfrequently gives rise to childish contentions, such as were common in the streets of old Edinburgh three or four centuries ago. When you see two men standing facing each other in the middle of the street, each gesticulating with hat in hand, and insisting upon giving the other the narrow sidewalk, you know

at once that both feel secure in their social position. But if you happen to meet your neighbor's cook, or the butcher, or some *parvenu* who has not yet learned enough to imitate the manners of a gentleman, the best thing to do is to slip quietly down into the gutter, and "let the sovereign pass"!

Up to within the past few years vehicles were never seen on the public streets; for the rough cobble-stone pavements were not constructed with reference to any such modern innovations. Gentlemen went on foot or rode horseback; and when the ladies did not walk or ride horseback, they rode in palanquins borne by two lusty *peons*. Boxes and barrels and heavy packages of merchandise were borne through the streets on the backs of donkeys or the shoulders of porters. All building material was transported in the same way, except the long wooden beams for girders and rafters, which were dragged through the streets by oxen in the most primitive manner. During the past few years, however, two or three of the principal thoroughfares have been neatly paved with Belgian blocks or with asphalt; and a few well-to-do people now keep private carriages, though they seldom use them. Even the public omnibuses and hacks are little used except for short excursions to the neighboring towns and villages.

The tramway, or street railroad, is another innovation of comparatively recent date. As yet it is limited to one or two avenues leading out to the suburban villages, some miles distant from the city. The original plan was, I believe, to extend branch lines through all the principal streets; but in this bright and genial climate, where the atmosphere is cool and exhilarating, and where one hundred thousand people are crowded into a small space, street railways are neither a luxury nor a necessity. People prefer to walk, and would hardly ride

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in street cars even if paid to do so. Indeed, walking here, at all hours of the day, is regarded as a sort of luxury and pleasant recreation; and every morning and evening the thoroughfares and parks are crowded with well-dressed people of both sexes and all ages, who walk about by the hour merely for the sake of out-door exercise. Ladies go to early mass or to vespers with the regularity of clockwork, but always on foot; or if it should happen to be raining, the older and feebler ones will go to church in their palanquins. The clergy all walk, and the family physician walks when he does not go on horseback.

The great central plaza bears the name of Bolívar,<sup>1</sup> in honor of General Simón Bolívar the *Libertador*. On its southern limits stands the new capitol building, still in an unfinished state though begun thirty years ago, a plain but well-proportioned structure of white granite. On the east side is the metropolitan cathedral; and adjoining this grand old edifice, on the same side of the plaza, is the ancient palace of the Spanish viceroys, now used as shops and offices.

The cathedral is said to occupy the identical site whereon stood the first Christian chapel established in the city in 1538. This primitive chapel was built by the Spanish conqueror, Quesada, who, in addition to his military title, was a licentiate. He was a devoted churchman, but had the usual vices of his times, though none of the coarse and brutal instincts of the illiterate and vicious Pizarro. Facing the plaza from the west side is a huge old three-story building, extending clear across the square, known as the Portalis. It is one of the ancient landmarks of the city, and is now occupied as retail stores, hotels, and business offices. On the north side is the Club House and a number of fine

<sup>1</sup> Pronounced Bo-lee'-var.

stores. In the centre of the plaza is a fine bronze statue of General Bolívar, said to be an excellent likeness. The sad, thoughtful face, with deep-furrowed lines and wrinkled brow is turned, as if in mute reproach, towards the old executive mansion through a high window of which he once leaped at the dead hour of midnight, in order to escape the assassin.

The great *Plaza de los Martiros* ("plaza of the martyrs") is near the outskirts of the western limits of the city. The place is so named in honor of the memory of the patriots who were murdered here in a most brutal manner by General Murillo, one of the royalist chiefs in the war of independence. A few years ago it was an open common, the depository of dead cats and dogs, and frequented only by superannuated donkeys. In 1881, it was reclaimed by the city and converted into a beautiful park, in the centre of which now stands a tall granite shaft. Neither pains nor expense was spared to make it an attractive place of popular resort, but all to no purpose. People seem to instinctively avoid it. Children will not play there, and no one ever thinks of going there for a promenade. Perhaps, after all, this is not strange. Some places, like some individuals, are repulsive by reason of mere association of ideas, and around this particular spot hover the saddest of memories. During the Revolution it was a veritable Golgotha, and for half a century afterwards it was the scene of judicial murders. And it continued to be a sort of executioner's ground till the early sixties, when capital punishment was abolished by constitutional provision.

Not a great way from this tragic spot, some three or four squares to the southward, is another noted place, known as "*Ninguna Parte*."<sup>2</sup> It is now and has been

<sup>2</sup> Literally, "Nowhere."

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for years past, a somewhat dilapidated and disreputable quarter of the city; but early in the present century it was the home of some of the most noted men of Colombia, and in 1827, when General William Henry Harrison (afterwards President of the United States) was our minister to the new Republic, the American legation was located there. The old house in which he lived—a large one-story edifice—is still pointed out to the curious. General Harrison had been our diplomatic representative here but a short time when he was unceremoniously removed by General Jackson (who had in the mean time become President), in order to make room for a violent partisan who claimed his reward under the newly inaugurated “spoils system.” But General Harrison had been here long enough to discover and expose the secret scheme of one of his European colleagues, looking to the overthrow of the Republic, and to a provision for one of the needy and unoccupied princes of the old world. The new minister, who seems to have felt constrained by party fealty to cast reproach upon his predecessor, made a one-sided and distorted report of this incident, and General Harrison went home discredited and humiliated by his own government. But just thirteen years later he was inaugurated President of the United States,—one of the many illustrations in history of the fickleness of public sentiment.

It was likewise in the western part of the city, some five or six blocks northward from the *Plaza de los Martiros*, and in a locality now very undesirable for residence, that Alexander von Humboldt had his quarters during his six or eight months sojourn in the Colombian capital. The little dilapidated, two-story house occupied by him is now a sort of *chicheria* and gambling den. It was here, however, where the great Ger-



man philosopher and scientist wrote portions of his "Personal Narrative"; and credulous people are still shown the identical peg on which he used to hang his saddle and *cermarros*, the little east room in which he slept, and the stall, on the ground floor, where he kept his riding mule.

The first house ever built in the city, and in which General Quesada lived and died, is likewise pointed out to the curious. It stands on the northern side of the little *Plaza de las Nieves*, on the west side of the Almeda, or avenue leading from the Plaza San Francisco to the Centennial Park. When I last saw this quaint old house it was occupied by an American citizen at a rental of fifteen dollars a month, and would have been a hard bargain at half that sum.

Near by, on the opposite side of the Almeda is the old cathedral of Las Nieves, one of the popular resorts of the faithful; and close by, commanding a full view of the little plaza, is a narrow, two-story edifice in which lived the first viceroy of New Granada. The alcove in the corner, opening from the main saloon, is pointed out as the place where His High Mightiness was wont to sit and witness the flagellations of unruly subjects who had been sentenced to "ninety-and-nine well laid on," in punishment for some real or fancied dereliction of duty. The old house, when I last saw it, was occupied as a small furniture factory and warehouse, where a descendant of one of the early presidents of the Republic seemed to be doing a thriving business.

Just beyond this, to the southward, but on the opposite side of the Almeda, is the celebrated Foundling Hospital whose mysterious "midnight window" so piqued the curiosity of Mr. Holton, the American pedagogue, who wrote a queer sort of book about the country three quarters of a century ago. A little

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beyond, on the same side of the avenue, opposite the old Santander mansion, is *La Casa de los Ejercicios Espirituales* ("The House of Spiritual Exercises"), wherein the faithful were wont to lacerate their flesh in penance for real or fancied sins. It is now used as a sort of warehouse, where lime and tiles and other building materials are kept on sale.

A little further on, fronting what is now the beautiful and picturesque little park of San Francisco, is the great Triplicate Cathedral and monastery. The latter is now used as government offices; but the three grand old temples are still popular places of public worship. Many years ago, but still within the present century, there was an annual custom here of "burning the Devil" in effigy. A hideous image, made of pasteboard and paper, and swung out from the belfry, was set on fire and slowly lowered into the plaza by sliding ropes. By the time his Satanic Majesty reached the ground he was a charred mass, emitting a strong odor of burning sulphur. Even the fanatical rabble have now outgrown this nonsense; but one naturally wonders when or where the custom originated. I remember to have once seen something very much like it near a Buddhist temple in the interior of China, and was told by the officiating priest that it was a very old custom, intended to counteract "evil influences."

Far up the tortuous course of the little river which skirts the plaza San Francisco, at the opening of the deep gorge between the peaks of Guadeloupe and Moncerrate, is the once famous Quinta Bolívar, the country residence of the Libertador-President before he fell into popular disfavor. It was a present from one of his wealthy admirers, and was a most beautiful and picturesque place, even as late as 1873. It is now the property of a well-to-do Antioquenan tanner whose vats

and raw-hides and currying benches and bark mills are scattered about all over what were once beautiful lawns and flower gardens.

I hesitate to attempt anything like an enumeration, much less a description, of the grand old monasteries and convents of the city. You can hardly stroll two squares in any direction without seeing one or more of these remnants of a former civilization. Some of them occupy entire squares, and must have cost immense sums of money. Since the great political upheaval of 1860, generally known as "the Mosquera Revolution," these grand old edifices have ceased to be Church property. Some of them have been converted into school and college buildings, others into hotels and hospitals, and others into armories and barracks. Many of them are now used as government buildings. One of them, for instance, affords comfortable quarters for the General Post Office and the War and Navy departments of the national government; another is occupied by the National University; another by the National Mint; another by the National Military Academy; another by the noted College of the Rosario; and others have been subdivided and converted into warehouses, stores, hotels, and private residences. As late as 1850, perhaps fully one half, if not more, of the entire property of the city belonged to the Church, and was exempt from taxation by the state and municipal authorities.

Since 1876, the streets and plazas and public buildings have been lighted by gas manufactured from soft coal, which is found in inexhaustible quantities within sight of the city; and quite recently, the modern electric arc light has been added on some of the main thoroughfares. But in 1873, when I first knew the place, the only lights used were petroleum lamps and tallow candles. The petroleum was imported from the United

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States at an aggregate cost of about two dollars per gallon; the finer wax candles used in the private residences and in the churches were imported from France at a cost of about two dollars per dozen. The common people used the native tallow dips. Twenty-five or thirty years ago there was not a board floor in any of the houses, and comparatively few glass windows. Now no fine residence is thought to be complete without both. The boards are made of native hard woods; the glass is imported from Europe and the United States at an enormous cost.

One of the striking peculiarities of the city, noticeable by all foreigners, is its extreme quietness. Except during the forenoon of feast days when the church bells are making an uproar, or in time of some local "revolution" when people are fighting or running, the stillness of the place is almost oppressive. There is no rushing or bustling on the business streets; no rattling of drays and carts; no shrieks of the steam-whistle; no loud talking and laughing; and even the servants and messengers never get out of a leisurely and dignified walk. There are almost no drunken broils, yet nearly every one drinks; and you rarely see a policeman. Everybody appears to take life easily, leisurely, and quietly. When a matter cannot be conveniently attended to to-day, it is put off till to-morrow; and when the "to-morrow" comes, it may be again postponed, and so on indefinitely.

## CHAPTER VII

### THE ALTA-PLAIN OF BOGOTÁ

**A** FEW miles north of the equatorial line, near the boundary between Colombia and Ecuador, the three great cordilleras of the Andes combine into one dizzy ridge before again spreading out into three distinct ranges. One of these ranges, branching out northwest, passes through the isthmus into Central America and Mexico, and thence, under a different name, along the western coast of the United States into British Columbia and Alaska. The second or middle range, continuing almost due northward, reaches its highest point in the peaks of Tolima, some ninety miles from the Colombian capital, and is soon lost in the Caribbean sea. The third range, turning northeastward, passes on through Venezuela and terminates in the Atlantic.

In the lap of this last-named range, nearly two miles above the sea-level, is the great savannah or plateau of Bogotá. Its geographical position is near the 4th parallel north latitude and the 70th meridian west longitude, and is on nearly a direct line from the cities of Quito and La Paz to the Atlantic ocean. It is, as we have seen, within a few leagues of the Magdalena, and quite as near to the upper reaches of the Meta, one of the navigable affluents of the Orinoco, — conditions which sufficiently indicate the future possibilities of Bogotá as an inland commercial centre.

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I have said that its altitude is nearly two miles. Its exact altitude at the Plaza Bolívar, is 8,760 feet above the sea. The plateau proper contains about 2,100 square miles of arable land, it being about 70 miles in length by about 30 in width. In shape and general outline it may be compared to a great oval dish, slightly dipping southwestward, but otherwise perfectly level; the high circular wall of treeless mountains corresponding to the outer rim, while the foot-hills and benches represent the inner lobe. The entire plain is a treeless prairie, but well watered by a number of small fresh-water lakes and numerous running streams. The brooks and creeks have their sources in the surrounding cordillera and foot-hills, and run in general direction from northeast to southwest. Near the western extremity of the plateau, these various streams are united into one, known as the river Funza, or Bogotá, which constitutes one of the principal affluents of the upper Magdalena. Just before reaching the edge of the plain, the Funza runs with deep and rapid current, and is finally precipitated over a perpendicular cliff into a deep gorge, some six hundred feet below, which leads down by rapid descent to the valley of Anapoime. This is the noted Falls of Tequendama.

The climate of the plateau usually impresses one at first as being perfect. The mean temperature is about 62°, the mercury seldom rising above 65° or falling below 59° all the year round. The atmosphere is singularly clear, thin, pure, and exhilarating; sometimes rather cool, crisp, and chilly, but always soft, balmy, and agreeable even to the weakest lungs. It is the region of perpetual spring, where flowers bloom every month in the year, and all nature seems bright and joyous.

But on further acquaintance, we discover that this is

not the springtime of the temperate zone, but rather an abnormal climate where spring, summer, autumn, and winter are harmoniously blended into one continuous season. The sun shines out with dazzling brightness, but we seem not to feel its power. Umbrellas and parasols are not needed to protect us from the burning rays, and we rarely perspire. Sunstrokes and frosts are alike unknown; and one experiences none of that lassitude so common in the springtime of the north temperate zone, nor of that indisposition to go out and enjoy the fresh air so common in high latitudes. There is little or no malaria, yellow fever is unknown, and pneumonia, pleurisy, and pulmonary consumption are very rare. Thick flannels are always necessary, and at morning and evening a light overcoat is generally comfortable. At nightfall we shall want all the doors and windows closed, and will need thick blankets. We are always comfortable while walking about in the open air; but if we sit still in the house long at a time, a strange coldness and numbness will be felt in the lower limbs; and for this there is but one remedy, which is to get up and walk out, no matter how busy. A brisk walk of fifteen minutes will set everything to rights. The blood will be sent tingling to the very extremities, and the whole body will soon be in a pleasant glow. It is vain to think of stoves and fireplaces. They have been tried many times, and always with the same result. The atmosphere is so thin and light that a stove or grate soon exhausts the oxygen in the room, and a queer feeling of suffocation follows. If, to avoid this inconvenience, a window be opened the fire is of little benefit and the draft unpleasant.

It is quite impossible to work or study here with the same continuity as at less altitudes. Four hours daily is about the maximum for the average brain-worker.

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If in the consciousness of youthful vigor and robust health, one ventures beyond this, alarming symptoms will soon be developed, such as loss of appetite, insomnia, restlessness, and nervous exhaustion; and unless these premonitions are heeded, nervous prostration, paralysis, and sometimes partial insanity are likely to follow.

It is a common belief that respiration at this altitude is more or less difficult and painful. This is true to some extent, but it is generally exaggerated. A stranger, on first visiting the plain, will experience a temporary shortness of breath; he cannot run uphill or up a flight of stairs as rapidly as at lower altitudes; and when he attempts to speak or read in public he will soon find himself gasping for breath. But this soon passes away, and after the first week or so, the lungs expand and readily adjust themselves to the thin air, when one may read aloud or speak by the hour without the least difficulty. Of course respiration will be deeper and more rapid than at the coast, but this becomes automatic and is performed unconsciously. The blood is forced through the veins and arteries at a correspondingly increased rate; and the pulse, which we will say is normal at 75 strokes on the coast, will here rise to the eighties. But this should cause no alarm. The machinery is not out of order at all; it is simply running at a greater speed. Hence the inhabitants of this beautiful region, though usually healthy and robust-looking, are generally short-lived. A man at forty-five or fifty is thought to be old, and worthless at sixty. Of course there are exceptions; I am now speaking of the rule.

But this premature decay is compensated by a marvellous precocity. Girls marry at 14; and, among the lower classes, they sometimes become mothers at



12 and 13. Boys consider themselves men at 14; they are through college at 16 or 17, voters at 18, active politicians at 20, and sometimes grandfathers at 30. In social or domestic life there seems to be no intermediate station between the nursery and the drawing-room; there is no "awkward age" of girlhood or boyhood, no dolls and mud-pies, no season of tops and jack-knives.

In this favored region the planting and the harvest season may be in every month of the year, and two and even three crops may be grown annually on the same ground. It is no unusual thing to see farmers planting and sowing in adjacent fields, whether the season be in December or May. July and August are considered the most inclement and disagreeable months of the year. They constitute what is known here as the *paramo* season, when the dense fogs from the hot valleys below are wafted over the bleak sierras, often obscuring the sun for whole days, or falling in light, cold mists over the plain. At such times the air is very damp and penetrating, chilling one to the very bone, and often producing the worst forms of rheumatism.

The rainy season proper — *invierno* ("winter") as it is called here — sets in about the 20th of September and lasts until about the 20th of November. During this time, there is invariably a rain-storm daily; but it never rains longer than about twelve hours at a time, and a clear, bright morning may be generally counted upon. At midday a thunder-cloud will rise, and the downpour begins. This will continue incessantly until about midnight, when it suddenly ceases and the sky becomes singularly clear. The fair weather usually continues till noon next day, when the downpour begins again with the regularity of clockwork.

The dry season (the *verano* or "summer") begins about the 20th of November and continues unbroken

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until about the middle of February. During this time, the climate is simply perfect. Not a speck of cloud is to be seen, and the atmosphere is singularly clear, pure, and transparent. A morning walk, or a ride on horseback at this season is delightful. The mere act of breathing is a luxury, and one seems to drink in new life with each breath. At night the stars shine out against the deep-blue sky with uncommon brilliancy, and seem at least a third larger than when seen in clear weather from the lower valleys or from the coast. A moonlight night here at this season is indescribably beautiful. The light is bright enough to read by, and is of that peculiar whiteness and softness seen nowhere else. It seems a veritable fairyland, and people linger in the streets and parks as if they regretted the necessity of sleep.

The lakes and watercourses of the plain abound with fish, but of a single species, here known as *el capitan*,—a sort of slimy eel, serpent-like and repulsive in appearance, but very palatable when properly prepared. There is something like it in some parts of southern China, and hence the popular delusion, sometimes repeated in books of travel, that the Chinese eat snakes! Water-fowl are abundant, especially the small snipe and the teal duck so highly prized by European sportsmen; and edible frogs, such as Parisian epicures prize so highly, are very numerous—possibly for the reason that no one ever thinks of disturbing them. There are a few fresh-water turtle, and an abundance of fresh-water crabs and shrimps. But I do not now recall ever having seen a water moccasin or other species of snake on the plain. Mosquitoes and house-flies are unknown; but the fleas are everywhere.

The soil is a black loam of apparently inexhaustible fertility. The staple crop is the so-called "Irish"

potato. It is said to be a native of the Andes, and I was inclined to credit the truth of this now generally accepted belief until I saw the wild potato growing in the mountains of western China, where it has grown from time immemorial. The probability is that the potato was known to the Chinese ages before the discovery of America by Columbus. Maize, or a degenerate species of Indian corn, grows well at this altitude, but matures slowly and imperfectly. Wheat and rye do very much better, and both are extensively cultivated. Rice will not mature here at all, but soon degenerates into a worthless species of swamp grass. All the fruits of the north temperate zone can be forced to grow here, but few of them mature well. The peaches and apples are almost worthless, and a bearing grapevine is never seen. Melons and cantaloupes are hopeless failures; no amount of labor or coaxing will bring them to maturity. The sweet potato is an exotic; but the strawberries are delicious. The cabbage never heads, and is eaten green as in Texas and southern China. The cotton plant is out of its element here, and so is the sugar-cane. But the farmer of the plain may, if he chooses, and at a trifling cost, have fresh green peas and string beans on his table every day in the year, as well as the best of celery, parsnips, turnips, carrots, lettuce, spinach, radishes, asparagus, and every variety of kitchen vegetable common to the north temperate zone.

*The potato is  
 suitable for irrigation  
 Texas. - A. T. Taylor*

On the larger farms, or *haciendas*, the chief industry is stock and cattle breeding. The cattle are usually very large, but of an inferior variety, valued chiefly for their hides and tallow. Quite recently, however, there has been great improvement in the breed by crossing with imported varieties; and dairy farms are becoming quite common and very profitable. The cows keep fat

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all the year round on the native grass, and never require other food. The grass is a species of musquit, like that on the frontiers of Texas and New Mexico, — very coarse and hardy, but succulent and nutritious. Red clover — a recent innovation — does well, and is now beginning to be considerably cultivated. Sheep seem to be in their proper element at this altitude; and yet somehow the wool industry in this region has hitherto received little or no attention. The hog is an exotic, but thrives well in the lower valleys, as, for instance, about Ana-poime and Tocaime. And yet an American or English canvassed ham is often in demand at from three to five dollars per pound, and is considered a special luxury at state and official dinners.

The donkey and the mule, here as elsewhere, are inseparable adjuncts of Spanish-American civilization, and afford the only facilities for mountain travel and transportations. The result is that "a mule farm," if well managed, rarely fails to be profitable. There is always a ready market at high prices, and a well-trained saddle mule will bring from three to five hundred dollars.

During my residence here, thinking it possible to train one of the native horses to trot in single harness, I bought a young one that had never been trained to the saddle, and engaged a jockey to break him in. After several months the jockey brought in the horse ready for service. He did very well for a while; but one day when some herdsmen came dashing along the road at full speed, he seemed to suddenly forget how to trot, and broke off into a full gallop. When I attempted to check him, he stopped stock-still and refused to budge. Finally I got out and tried to coax him into a good humor. He quieted down somewhat; but when I attempted to resume my seat in the vehicle, he concluded that he wanted his liberty, and in less than ten minutes carriage

and harness were in ruins, the horse was lying on his back in a deep ravine, and I was very much in need of repairs! These little mountain ponies make the best of roadsters under the saddle, but do not take kindly to harness.

The population of the plain has been variously estimated at from 250,000 to 300,000. The truth is, nobody knows just what it is; there has never been a reliable census, and there are little data for an intelligent conjecture. There are a great many people of pure Caucasian origin; but the masses are, for the most part, mixed descendants of Indians and whites. And here, as elsewhere in South America, a man of pure Spanish origin is seldom, if ever, a farm laborer. This class of work is done by Indians, zambos, and mestizos. The proprietors of these fertile farms usually lease their lands to responsible tenants, and live in the cities. A few reside permanently on their country estates, others only during the dry season in December and January. There are no small landed proprietors. The soil of this superb valley is owned by a fortunate few. And yet the investment rarely pays over two and a half per cent, while the current bank rates of interest are from eight to twelve. This anomalous state of affairs is easily accounted for when it is remembered that rich lands near the national capital offer about the only safe investment in a country where local and general "revolutions" are so frequent, and where the large cities afford about the only educational and social advantages. Hence the price of farm lands near the city ranges all the way from one to three hundred dollars per acre, and can rarely be had at these prices.

Bituminous coal, of good quality and in apparently inexhaustible quantities, is found in the foot-hills and mountain-sides all around the plateau, and the richest

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iron ores abound within easy distance. But neither coal nor iron deposits have been hitherto much disturbed by man. The inhabitants continue to use charcoal, and to import their iron from abroad, as did their ancestors of two hundred years ago. Petroleum of excellent quality is known to exist near the surface, within a few leagues of the national capital; yet petroleum for domestic use is imported from the United States at an aggregate cost of from one and a half to two dollars per gallon, and has been known to sell as high as three. Those who cannot afford lights at these prices — and of course the majority cannot — continue to use tallow “dips,” just as did their colonial ancestors.

Most persons who know anything of the country have heard of the celebrated salt mines of Zipaquera. They are situated near the outskirts of the little city of that name, at the foot of the sierra some thirty miles north of the national capital. It is said that these mines were known to the aborigines, and were successfully worked by them centuries before the Spanish conquest. They are now the property of the government, which derives a handsome revenue from them. The main deposits are near the surface of a cone-shaped hill, or rather mountain, near the great sierra. Indeed, the entire hill seems to be a mass of solid salt rock, which extends to unknown depths below the surface. The main shaft enters the hillside a few feet above its base, and then branches off in different directions, the roof, floor, and sides being one solid mass of salt rock. As quarried from the mine, this rock looks very much like our gray granite, and contains about eighty per cent of pure salt. The salt is obtained by crushing the stone, and then boiling it down in large caldrons, and crystallizing it in the usual manner. It is then compressed by means of hydraulic machinery into cylinders weighing about



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twenty-five pounds each, so as to be transportable by pack mules. This is the salt of commerce.<sup>1</sup> The common people seldom use it in this form, but buy it in the crude state as it is taken from the mines.

At the time of the Spanish conquest, this great plateau, as also the entire territory of what is now known as the department of Cundinamarca, was inhabited by the Chibcha Indians, — probably the most civilized of all the native races of America, if we except those of Peru, Guatemala, and Mexico. They were a bright copper-colored people, short in stature, but broad-chested, with large, well-shaped heads, straight black hair, dark brown eyes, small, straight noses, and somewhat delicate and well-shaped hands and feet. Docile and peace-loving, they were devoted to agriculture and the small arts; and their form of government bore some analogies to the present civil government of China. It was essentially patriarchal in form, and although despotic, very sensitive to public opinion. It consisted of an Emperor, whose office, however, was not necessarily hereditary; and he might be peaceably deposed for violations of traditional precepts, or for incapacity to govern wisely. There were a number of subordinate princes, or *caciques*, corresponding to the provincial governors-general or viceroys of the Chinese Empire; and these, with the elders or "head men" of the districts and townships, constituted a sort of advisory board corresponding to the great Council at Peking.

Their religion also presented some analogies to that of the Chinese Buddhists. It inculcated the belief in the transmigration of souls, the ultimate goal being a state of perfect passivity or rest; and among the sacred

<sup>1</sup> The average yield from these salt mines is about 22,000 tons annually, worth about \$850,000, which pays a net profit to the government of about 65 per cent.

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images exhumed from their ancient burial-grounds is one that is the exact counterpart of the Chinese-Buddhist god of silence or "wisdom." In form and artistic design the two images are almost identical; the only real difference being that the Chibcha image was made of burnt clay, while that of the Chinaman is usually made of wood, or stone, or brass. It is not improbable that both conveyed the same meaning to the votaries on opposite sides of the earth, although the two peoples were not aware of each other's existence. In the Chibcha mythology, too, the traditional Spirit of Evil was represented by a character corresponding to the Greek Ducalaine, the Hebrew Satan, and to a similar character in the ancient Chinese mythology. Their "god of the fields" or of agriculture was almost identical in general attributes with the Chinese "god of the harvests"; and their *Chibchacum*, or divine prophet and mediator, bears a most striking analogy to the mythical *Foh-he* of the ancient Chinese.

It was a tradition among the Chibchas that this entire plateau was once a vast lake of fresh water; and to this has been attributed the origin of their flood myth. It is very well known, however, that other aboriginal tribes in different parts of the continent had their flood myths. Indeed it seems to have been common to all of them; and similar myths prevail the world over. The fact, therefore, that geologists who have studied the peculiar conformation and environments of the great savannah of Bogotá, believe it to have been the bottom of a great lake at sometime in the remote past, will hardly account for the origin of the Chibchan flood myth.

## CHAPTER VIII

### MANNERS AND CUSTOMS

**T**HE manners and customs of a proud and sensitive people constitute a very delicate subject to touch upon, especially when one has enjoyed their hospitality and spent many happy days among them; and for this reason, the present chapter, as also some portions of others, might have been omitted had the writer been less conscious of a genuine sympathy and friendship for the Colombian people, or if he had had less confidence in their good sense. For he flatters himself that they know him too well, and have had too many evidences of his friendship to believe him capable of depreciating them, or of intentionally wounding their delicate sensibilities.

Oftener than otherwise, when peoples of diverse origin and language are not close friends, it is only because they do not really know each other; in which case all secret aversions, should there be any, readily disappear when they become better acquainted. The mere difference in language is a barrier to close and confidential friendships, especially between rural peoples of limited education, since their habits of thought and life are apt to be mutually misunderstood.

And this, I regret to say, has been too often the case between our Trans-Caribbean neighbors and ourselves. The average Anglo-American, knowing little or nothing of the idiom of his Latin neighbor, and judging only by

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appearances, is apt to consider him shallow, fickle, vain, and ostentatious; given to extravagance in speech, habitually insincere, and generally untruthful and unreliable. On the other hand, and for the same reasons, the Latin-American is apt to look upon his northern neighbor as a cold, selfish, calculating, aggressive, brusque, disrespectful, and domineering specimen of humanity, whose only God is Mammon, and whose only standard of social excellence is the almighty dollar.

Of course both estimates are erroneous, for exceptions should never be mistaken for the rule; and yet both contain just enough of the soul of truth to make the error plausible and persistent. Thus, for instance, what we consider excessive formality, our Latin neighbors regard as only natural and proper; what we regard as stilted superfluities of speech, they consider ornamental; what we mistake in them for evasiveness and insincerity, they know as courtesy and deference; what we boast of as candor and independence, often looks to them like discourtesy and ill-manners. A closer acquaintance with each other would correct these mutual misconceptions and make us better friends; and I venture to add that the manners of both would be improved if each would consent to learn something from the other.

The average Bogotano is not without his full share of self-consciousness and small vanities; perhaps he has a trifle more than his share of these qualities. He sacrifices much to mere formality and external appearances. He is apt to be over-anxious to please; and in his efforts to be agreeable he will sometimes say things which cannot be accepted literally. The fact is, he does not always expect his words to be taken literally, and therefore has no intention to deceive or mislead. As a business man, he is inclined to be over-sanguine, and therefore liable to make promises or enter into engage-

ments which he subsequently finds inconvenient to fulfil or difficult to comply with; and in either case he expects you to be considerate, patient, and accommodating. If you will try to enter into his feelings, humor his moods, exercise a little patience and forbearance, and, above all, let him feel that you are trusting implicitly to his sense of "honor," he will generally manage somehow (though generally after some delay) to keep his word and fully discharge his pecuniary obligations.

In social life he is always courteous, considerate, and agreeable; though you may sometimes think him a little gushing and extravagant both in language and manner. You visit his home, for instance, and are presented to his family; he at once places it and them "at your disposition." You admire some rare old book or work of art; he at once offers to give it to you. You know very well that he does not quite mean all this; but neither do you, my dear sir or madam, mean quite all you say, when you ask some troublesome bore of a visitor to "sit longer" or to "come again soon"! The Bogotano's traditional forms of speech may look a little odd to us when seen in cold type; as, for instance, when he addresses you as his "most affectionate godfather," or when he closes an ordinary business letter by offering to "kiss your hand;" and you think him a little extravagant, if not a trifle presumptuous, when, on being presented to Madame, he tells her he is ready to "kiss her feet." But these are merely stock phrases which mean nothing; nor do they appear so very extravagant or out of place when spoken in his own courtly idiom. Then again, you think him a little odd in his use of nouns and pronouns; for you do not quite understand why his equivalent of our feminine noun "Mary" (*Maria*) should be applied indiscriminately to both sexes. You are apt to think him irreverent and

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profane when he applies the name of the Deity to one of the principal streets of his town or city, or when he calls his son or daughter, or his servant by the sacred name of "Jesús."<sup>1</sup> His schools, colleges, and public hospital buildings are collections of "Holy Ghosts,"<sup>2</sup> "Holy Saviours,"<sup>3</sup> "Holy Trinities,"<sup>4</sup> "Jesús Josephs,"<sup>5</sup> "Joseph Jesúsés," "Jesús Marys," and "Mary Jesúsés."<sup>6</sup> But these terms sound very differently in his own native idiom; and as *he* uses them, they do not seem irreverent or profane at all, but merely commonplace and appropriate. Besides, not to put too fine a point on it, as Dickens would say, what do we Anglo-Americans mean by the application of such terms as "Our Father," "Trinity," "Sacred Heart," "Bleeding Heart," "Christ's Church," etc., to huge piles of stone and brick-and-mortar?<sup>7</sup>

The language of the common people, though sometimes crude and ungrammatical, is always civil and often courtly. We are apt to think them evasive and

<sup>1</sup> Pronounced Hay-soos.

<sup>2</sup> Espiritu Santo.

<sup>3</sup> Santísimo Salvador.

<sup>4</sup> Santísimo Trinidad.

<sup>5</sup> José Jesus.

<sup>6</sup> Hay-soos Maria, or Maria Hay-soos.

<sup>7</sup> The idiosyncrasies of a people are generally revealed in their forms of speech, but more particularly in the class of proper names common among them. Thus the old Puritans of England would admit of but two classes of names, — those adopted from the Scriptures, and those expressive of religious sentiment. In France, at the time of the first Revolution, all names supposed to savor of either loyalty or religion were abandoned, and those of Greek and Roman heroes were adopted instead. The early Greek names were generally expressive of some quality, — as Callimachus ("Excellent Fighter"), Pherecrates ("Strength Bringer"), Sophron ("The Wise"), etc., etc. The early Roman names were more generally derived from ordinary employments and advocations, — such as Cicero (Provender-grower), Porcius (Swineherd), Naso (Long-nosed), Crassus (The Fat), etc. English and Anglo-American surnames are often derived from office, occupation, condition, farms, homesteads, and natural features of the country; hence, we have Marshall, Knight, Page, Smith, Shepherd, Marsh, Wood, Dale, Anash (At the Ash), Nash, and so on.

untruthful, for even the best Spanish is somewhat ornate, flexible, and ambiguous, as compared to our plain English. In Spanish, there are not only a variety of ways of saying the same thing, but many ways of saying what may mean almost anything or nothing, according as you may construe it. Even the unlettered *peon* is a natural dialectician. He is never at a loss for a word, and often seems to sacrifice sense to mere euphony. His words and phrases fall naturally into rhythm, and he seems to be unconscious that he is addressing you in stanzas. One day, when riding through an out-of-the-way place, I came to what seemed the end of the narrow lane. There was a closed gate in front, and a high adobe fence on each side. Just over the fence was a little straw-covered mud-hut, in front of which stood a bushy-headed, half-clad Indian child, probably not over six years old. When asked her name and where she lived, she readily replied in a five-line stanza, which I translate as follows:—

“ They call me little Maggie ;  
I live in yonder little cot,  
With my dear little Mammie  
And another little woman  
Whom they call little Pearl.”<sup>1</sup>

“The little Pearl” in this case turned out to be a great, broad-shouldered, greasy-looking wench of some 200 pounds, with dirty, copper-colored skin, unkempt jetty-black hair, whose body was quite as broad as it was long, and who, to judge from appearances, had never had a bath!

<sup>1</sup> Me se llama Margarita ;  
Vivo en aquel casita,  
Con mi mamita  
Y con otro mujercita  
Que se llama Perlita.

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The average Colombian has very little conception of what we mean by the terms promptness and punctuality. He takes little note of time, and does everything leisurely. He does not like to do to-day what may be put off till to-morrow; and if he agrees to meet you at a given hour, he cannot quite understand why you should feel annoyed or disappointed if he is an hour or so late. If he owes you a note or an acceptance due on a fixed day, he cannot see the necessity of paying it on the very day of maturity; he thinks a day or so afterwards will answer quite as well. He does not mean to cause you inconvenience, least of all to forfeit his promise; he simply cannot see the necessity for such exactness as to time. If you will accommodate yourself to his business methods, give him reasonable time, and do not become impatient and try to hurry or bully him, ten chances to one he will pay the last farthing.

The Colombian of pure Castilian descent is rarely a mechanic or an artisan, and perhaps never a common laborer. This, however, is not because he is constitutionally lazy and indolent, for the hot Spanish blood is seldom sluggish or inactive. The true reason of his strange, unconquerable aversion to manual labor is that he considers it degrading, and therefore beneath his station as a "gentleman." His pride is phenomenal, and runs into strange freaks. He is not ashamed to ask and accept alms, for that, according to his way of thinking, is merely an evidence of some misfortune; whereas he would feel humiliated were you to offer him service as a laborer, since to accept that would be to forfeit his position as a "gentleman." With him, there is no such thing as "dignity of labor," and the gulf between gentility and honest toil is wide and impassable. You simply waste time in trying to argue him out of



this absurd notion; he will not even be seen carrying a small bundle through the streets. Refuse him pecuniary assistance if you will, but do it courteously and as an equal; and if you value his good opinion never suggest that he should go to ploughing or hoeing for a living. Ostensibly, he is seldom a mendicant; he usually frames his petition in the form of a courteous request for a small "loan," which of course he never expects to pay. In all probability he would not ask for it if he thought you expected him to return it, or if he really thought you were unable to lose it, or would ever afterwards remind him of it. But if by some unforeseen turn of fortune's wheel, your relative positions should become reversed, he will quite as readily advance you a "loan" as he now solicits one. "Once a gentleman always a gentleman" seems to be his motto; for no matter how reduced in circumstances, his associates never cut his acquaintance, nor address him other than as "Señor."

The Bogotano is nothing if not scrupulously polite and formal both in speech and manner. He never thinks of saluting you in the street without removing his hat, or of leaving you without asking "your permission." Even among the middle and lower classes, there is always the most perfect courtesy and deference. There are no boisterous or hurried salutations, no scarce perceptible nod of the head with a swinish grunt for "Good-morning." If he feels secure in his social position, he never waits for a lady acquaintance to speak first when he happens to meet her in the street. He will lift his hat and even speak to her before being formally introduced, provided he knows who she is; and she, so far from taking offence, rarely fails to return his salutation. But if she is not married, and he is a bachelor or a widower, they cannot see each other alone, even in her own parlor. Her mother or elder married

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sister, or her aunt, or her *dueña*, or some member of the family must be constantly present. Such is the unwritten law of social ethics in the Colombian capital, and the belle who dares to violate it loses caste. But she may talk and flirt with a male acquaintance to her heart's content if her mother happens to be present, or if there happens to be an iron-grated window between them.

Every man of local prominence is sure to be a "doctor,"<sup>1</sup> if he is not a "general;" the first is usually a politician, the last a military leader by brevet or out of commission. There are no brevet "colonels" and "judges," as with us; but all pedagogues are "professors," and every man out of *alpargattes* and *rauanas*<sup>2</sup> is a "Señor." In compensation for this bit of extravagance, ward politicians and aldermen are never "Hons.;" blacksmiths and butchers are never "Esqs.;" and there are no "lady cooks"!

No matter what may be his financial condition, the average Bogotano somehow always manages to dress well. No matter how poorly he may live at home, he generally appears well in the streets. He has a horror of looking shabby. He will attend a funeral service in the forenoon in full evening dress, but is never seen, even at an informal evening reception or at a dinner, in a Prince Albert frock-coat and colored cravat. He must be in full evening dress. He rarely appears in the streets without gloves, and never without his black plug hat. In damp weather he is inseparable from his black silk umbrella, and in dry weather he is seldom without his gold-headed cane. The street and church

<sup>1</sup> *I. e.* Doctor of Laws.

<sup>2</sup> *Alpargattes* are sandals made of hemp; a *rauana* is a blanket with a hole cut in the middle. Both are worn in the streets by common people only.

dress of the ladies is always black; at balls and parties they wear the latest Parisian styles. No lady will be seen under a hat or bonnet at church, and it is only within the last few years that a lady is ever seen wearing a bonnet in the street. She adheres rigidly to the traditional black-lace mantilla, which she adjusts over her head and shoulders in a most bewitching manner; but, unlike her husband or brother, she ignores gloves entirely.

The *peon* class of both sexes wear straw hats and *alpargattes*, but seldom trouble themselves with socks or stockings. They will wash their feet on Sundays and feast days, when they wish to put on a new pair of sandals, but seldom otherwise. The house servants usually dress better, though in the same style of garments. You may coax your butler or man-servant to appear in the dining-room or at the front door in swallow-tail coat, white cravat, and patent-leather shoes; but on no account will he venture thus attired into the street; for when he goes out he must have on the *rauana*, straw hat, and *alpargattes* of his class.

The ecclesiastics dress very much as did their class two and three centuries ago. They have recently, however, abandoned the enormous hat with great brim rolled up into a small scroll at the sides, and have adopted instead the more convenient shovel hat of modern times. But they still adhere rigidly to the long priestly black gown, low quartered shoes, black silk stockings, and silver buckles.

The parish priest is an important factor in society at the capital. No social gathering is thought to be quite complete without him. He generally makes it a point to accept all invitations, but he always goes in his priestly garb. He is usually an agreeable guest, and although he will not dance himself, he seems to enjoy

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seeing others dance; and being a person of great social influence, young fellows who wish to get along well with elderly ladies who have marriageable daughters are generally careful not to displease him.

The Bogotanos have a Christian Sunday, but no "Holy Sabbath." There is nothing puritanical in their religious make-up. Sunday is observed more as a Church festival and day of cheerful recreation than as a day of religious penance and torture. The forenoon is devoted to religious service, the afternoon to outings, games, and social enjoyment. There is early mass at six o'clock in the morning, high mass at nine and ten, vespers at four, and sometimes there is a short sermon. The balance of the day is devoted to worldly pleasure. It is a favorite occasion for paying and receiving formal calls, for attending the theatre, and for balls, banquets, and social reunions. Among the common people Sunday afternoon is a favorite occasion for sports, such as cock-fights, bull-fights, horse racing, and gambling; and there is perhaps more drinking and general dissipation amongst the lower classes on that day than on any other.

All this seems very odd to Anglo-Americans, and, to be quite frank, we could wish it different. Drinking and gaming and dissipation are bad enough at all times, but they seem worse on a day which the Christian world has tacitly set apart for religious instruction, rest, and pious meditation. Erroneous and pharisaical as some of our traditional conceptions and observances of the Sunday undoubtedly are, we would not willingly see them exchanged for those which prevail amongst our Latin-American neighbors.

At the same time, in any consideration of "the Sunday question" we should keep in mind the fact that the old Jewish Sabbath of the Bible is not the Christian

Sunday of the orthodox Church. It was not the first, but the seventh day of our week which the Pharisee sect held sacred. "Remember the Sabbath day to keep it holy" was not written of Sunday, but of Saturday. Moreover, the injunction was not addressed to Christians, but to Jews.

Just when or by what authority the early Christians began the observance of the first day of the week *as a religious duty* is not quite clear. Neither in the New Testament nor in the writings of the Church Fathers do we find anything very satisfactory on this point. We know, however, that, up to the beginning of the fourth century, Christians never attempted to transfer to our Sunday the obligations incident to the old Jewish Sabbath. Nor did they attach any special sacredness to either. If they observed the first day of the week as a time for assemblage, meditation, and religious exercises, they did not pretend to ground their action upon any injunction of the Mosaic law; nor upon any precept or example of Christ and his Apostles; nor yet upon any pre-Mosaic "Sunday law," promulgated at "the beginning" and in force after the Advent. Even if such a law ever existed the attention of the Gentile world was never once directed to it by the great Apostle; hence the inference that Saint Paul was either ignorant of it or regarded it as inapplicable to Christian believers. Indeed, his express declaration of their entire freedom from "the observance of days," etc., was so general as to apply to all laws and usages on the subject.

How came it about, then, it may be asked, that the early Christians were accustomed to assemble themselves together on Sunday? The question cannot be satisfactorily answered. If the custom originated in Apostolic precept, there is no record of it. If it origi-

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nated in Apostolic example, there is nothing in the New Testament to raise a reasonable presumption that the act of meeting on the first day of the week was prompted by some positive command, the record of which may have been lost. The probabilities are that the custom originated either in mere convenience or through fear of the local civic authorities or both; for during the first two centuries the Christians were a despised and persecuted sect, and had to meet in secret for religious exercises. Under such circumstances they would naturally select private houses or out-of-the-way places on certain days set apart for that purpose. They would very naturally select some day other than the Jewish Sabbath, the profanation of which was one of the offences alleged against the Master. And it was equally natural that they should select the first day of the week which, according to tradition, was the day on which the Resurrection occurred.

Be this as it may, the inference derived from what little is known of the origin of the custom is that, except during the time of actual meeting and worship, the early Christians deemed it right and proper to follow their ordinary avocations on Sunday. It was not until after the union of Church and State under Constantine, early in the fourth century, that an edict directed "all judges, all inhabitants of cities, and all artificers" to "rest on the venerable Sunday"; and even that did not prohibit rural peoples and husbandmen from laboring or attending to their ordinary affairs on Sunday. It was not until the middle of the sixth century that agricultural labor was prohibited; nor until near the close of the ninth, that Sunday was practically substituted for the old Jewish Sabbath, as a "holy day." It was the old English Puritans of the seventeenth century who, miscalling Sunday "the Sabbath," consigned men to

everlasting torment in the next world for a rational enjoyment of the day.

But this is a digression. <sup>I should say so.</sup> In Bogotá nearly every one smokes tobacco; all can afford this luxury where native cigars are sold at from one to eight cents apiece; but you never see any tobacco pipes or snuff-boxes, and there are no tobacco chewers. The paper cigarette habit is well-nigh universal; even the ladies in fashionable circles are more or less addicted to it. They will not smoke in public or on the streets, as the gentlemen do, but privately and in their homes. Still you do sometimes see ladies of good repute and high social position standing on the balcony of their parlor windows, daintily puffing away at a paper cigarette after dinner. It looks a little odd at first, but we soon become accustomed to it and think nothing of it. After all, when we come to think about it, it is not much worse than inhaling pulverized tobacco, and it is certainly less filthy than "snuff-dipping."

Most of the educated classes have, or think they have, the "literary faculty." They are particularly fond of writing what they call "poetry," and of making post-prandial speeches. The average collegian will write poetry by the yard or speak impromptu by the hour. He never shows the least embarrassment before an audience, and is rarely at a loss for a word. The adjectives and adverbs flow in sluices of unbroken rhythm, and the supply of euphonious words and hyperbolic phrases seems inexhaustible. He always gesticulates vehemently, and somehow it seems to become him well; for, no matter how little there may be in what he says, somebody is sure to applaud and encourage him.

The masses are not readers, and the common people never bother with theological creeds or political platforms. In matters of religion, they accept the doctrines of

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the Church without question; in politics, they vote as they are directed by their party leaders or "bosses." Such a thing as an independent newspaper, conducted on business principles, is quite unknown; and the partisan "organs" contain little beyond wordy and diffuse communications, two and three column editorials, and a few local advertisements. The literary and family journal is chiefly remarkable for its long "poems" and for the reproduction, in serial form, of some late French novel translated into the Spanish language.

There is probably no city on the continent where the external forms of religion are more rigidly observed. The Church festivals are frequent and gorgeous, and are generally participated in by all classes and conditions of society. It is seldom that a whole week passes without a public demonstration in honor of some mediæval saint, or in commemoration of some event in ecclesiastical history. On such occasions all business is practically suspended. Banks and stores and shops are all closed; private dwellings are gorgeously decorated with emblems and banners; triumphal arches, decorated with evergreens and flowers, span the highways; and many of the streets and plazas are strewn with rose leaves. Everybody is out in holiday attire prepared to get as much enjoyment out of the day as possible. During high mass, at nine in the morning, the streets and plaza about the cathedral are crowded with eager and expectant humanity. Presently the great bell is struck; then gentlemen remove their hats and stand in silence; the common people are all down on their knees. Now the Holy Host is being raised by the officiating priests inside the building; not a word is spoken, not a foot is moved by the immense throng outside, — the stillness is almost oppressive. Anon there is a single stroke of the great bell; the Host is being lowered; gentlemen may



now put on their hats and resume conversation; the populace rise from their kneeling posture; and the throng is again in a buzz of pleasurable excitement.

Very soon the Holy Procession begins to form preparatory to a march through the streets. First to emerge are a few subordinate officers of the Church, each gaudily attired and bearing a lighted taper. Then follow the holy images, borne on great platforms supported on the shoulders of lusty *peones*. The mitred priests, in sacerdotal robes, come next. Behind these are boys in white surplices, swinging smoking censers. Then follow others bearing banners and crosses. Behind these last come a company of gentlemen in full evening dress, each bearing a lighted taper. Then the rabble fall into line. Once fairly out into the street, the procession is headed by a company of horsemen gaudily dressed in military costume. A band of music follows immediately in their rear. Slowly and solemnly the gorgeous pageant proceeds through the flower-strewn street to a great cathedral on the opposite side of the city. The sacred images are there carried inside. All the bells in the city now seem to be ringing at once, and the clatter and din are almost deafening. Suddenly the bells stop ringing; the silence is profound; the immense throng outside reverently uncover their heads. Another mass, another swelling chorus, the great bell sounds, the benediction is being said; and now streams of laughing, light-hearted people come pouring out at a dozen doors. The solemn functions are over, and every one is at liberty to spend the remainder of the day as he pleases.

## CHAPTER IX

### THE RACE PROBLEM IN AMERICA

**S**LAVERY, or property in man, has existed from time immemorial, and at some time or other, and in some form or other, it has had the express or implied sanction of every government on earth. It was a recognized institution among the ancient Hebrews. It existed in Greece and Rome, and throughout the civilized world, prior to the Christian era. And it continued to exist in many of the Christian states till the middle of the present century; for Christianity did not do away with slavery, but tended merely to ameliorate the condition of the slave. It existed among the aborigines of this continent at the time of its discovery by Europeans, and can hardly be said to be extinct today among certain savage tribes of the Southern hemisphere. In Africa, it is as old as the country itself; and it still exists there among the native tribes. There has never been a time when it was not a recognized institution in eastern Asia; and it still prevails, in a mild form, in each of the eighteen provinces of the Chinese Empire.

But negro slavery of modern times was reserved as a sequel to the discovery and settlement of the Americas by Christian Europe; and for more than three whole centuries the African slave-trade was participated in by nearly all the great commercial and maritime powers of the world. As early as the beginning of the sixteenth

century, the natives of Hispaniola (now known as Hayti) had been reduced to a condition of the most abject servitude by the Spanish conquerors; and by the close of that century a similar fate had overtaken the Indians of Central and South America. The importation of African slaves began in 1501, just nine years after Columbus first landed at San Salvador, and it continued, with the implied sanction of the civilized world, up to 1807.

At first this inhuman traffic was without any express legal sanction. It needed none. Moral criterions, like the external forms of religion, never rise higher than the prevailing standard of intellectual development; and what public sentiment fails to condemn, needs not the sanction of a written law. There was a time, for instance, when the most enlightened nations of the world, including the one through which we derived our present form of religion, not only murdered all prisoners taken in battle, but massacred all non-combatants, including women and children. As the standard of intellectual development (or "civilization," as we call it) advanced, captives and non-combatants were not slain, but reduced to servitude. Later on, when civilization had advanced a step further, prisoners of war were ransomed by the payment of money, and thence is traced the origin of human slavery.

But in the process of time the morality of the African slave-trade began to be questioned; and then, for the first time, the traffic needed some express legal sanction. And, strange to say, this was first given by a Christian prince at the instance of a Christian priest! I allude, of course, to the action of the King of Spain as influenced thereto by the good Bartolomé Las Casas, Bishop of Chespa. Las Casas was not a mere abstractionist; he was not a visionary and impractical dreamer; and he

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was something more than a secular prelate. He was probably a Christian at heart as well as in profession. At any rate, he was a man of kind and humane impulses, and his long life of usefulness exemplified many of the higher Christian virtues. Yet his biographers and apologists seem to have overlooked or ignored the fact that he was essentially a one-sided man, incapable of considering more than one view of any given question at a time. His mind ran in grooves; and, as usual in such cases, he was something of a fanatic. He probably deprecated slavery in all its forms; but his immediate purpose was the amelioration of the hard lot of the Indian, and all his efforts seem to have been directed to that one object. Nor was he at all times over-particular in the choice of means to ends. Too politic to attempt the inexpedient, too much of the courtier to sacrifice position and influence to private opinion, he was not the stuff of which martyrs are made. So, in order to lighten the burden of the overtasked Indian slave in the mines of Hispaniola, and at the same time keep in favor with a corrupt and avaricious court, he recommended the substitution of the more hardy and robust African negro. He thus became the first apologist and advocate of the African slave-trade; and the Spanish monarch, whose dull conscience had been quieted by ecclesiastical authority, readily adopted the suggestion and gave to this nefarious traffic its first legal sanction.

The example was soon followed by other and less powerful nations. Even England sanctioned the African slave-trade for more than two whole centuries. The Stuarts granted charters of incorporation to joint-stock companies endowed with the exclusive privilege of trading in negro slaves. These companies were encouraged and sustained by the power and patronage of the British government, not only for the purpose of

supplying the North American plantations with slaves, but for the sake of the profits arising from the trade in the Spanish, French, and Dutch colonies as well. Very soon the traffic became the subject of diplomatic action, and was either tacitly or expressly sanctioned by public treaties. Thus, by the treaty of Utrecht, in 1713, Great Britain was granted the exclusive privilege of importing African slaves into "the dominions of His Most Catholic Majesty" of Spain for a period of 30 years, — the only restriction being that "not exceeding 4,800 negroes" should be imported during any one year.

Of course this was contrary to the spirit of the English common law: but where and when have nations ever failed to find the means of evading the spirit of a law, when it happened to stand in the way of national ambition or avarice? Besides, these kidnapped Africans were not intended for the market in England, but only for her outlying colonies and dependencies; and this was thought to be such a distinction as ought to quiet the average British conscience.

The final outcome was the peopling of the West Indies, the colonies of North America, and the coasts and valleys of Colombia and Venezuela, with hordes of African slaves; and the ultimate result of that has been, in Central and South America, a mongrel race impossible of ethnologic classification. Baron Humboldt has indeed attempted a classification; but, although generally adopted by all subsequent writers, it is manifestly defective. Thus he tells us that "the whites of pure blood," found in those countries, "are the descendants of Europeans;" that the so-called Indians "are descendants of the native copper-colored race;" that "the negroes are descendants of slaves imported from Africa;" that "the mulattoes, quadroons, and octoroons are the mixed descendants of whites and negroes;" that

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“the mixed descendants of Indians and negroes are called zambos;” and that “the mixed descendants of Indians and whites are called mestizos.” But how shall the complex mixture of all these varieties be classified? He fails to give us a name for the conglomerate mixture of all these mixtures; and this is precisely the nondescript compound which constitutes the majority in some parts of Spanish-America, and which seems to be “the coming race” on the Southern hemisphere.

Of course the term “race” is here employed in its recently acquired sense, not in its strict technical meaning. Ethnologists tell us that all members of the human family are essentially identical in everything that distinguishes man from the other mammals; and that “whilst the individuals at the extreme divergence in one race of men are as unlike as the wolf and the lapdog, yet each variety shades down so imperceptibly into the next that it is difficult to draw the line where a race begins or ends.” In other words, the human species, no matter where or under what conditions found, never differ in kind; they differ only in degree. There are almost infinite varieties, but only a single species. The plain implication is, that the word “race” is little more than a subjective term, and applies to the *opinion* of the investigator rather than to the object of investigation; and, no matter what that opinion may be, we shall never be able to get rid of the idea of the common brotherhood of man until some new species shall have been discovered.

In Colombia, the whites of pure blood are found in nearly all parts of the Republic, but more generally on the tablelands and elevated plateaux of the interior. The civilized Indians of pure blood inhabit the coves and valleys of the Andes, and still constitute the mass of the rural population. They are a remarkably docile

and peace-loving people, — generally small agriculturalists, market-men, or farm laborers. They are simple-minded, superstitious, reticent, evasive, and untruthful; but they are seldom thieves, and never highway robbers. They are naturally civil, kind-hearted, and hospitable; but it would be surprising if, after centuries of such experiences as they have had, they were not habitually suspicious of strangers.

The negroes of pure blood are most numerous on the coasts and in the hot and malarious valleys of the great rivers. Sometimes they are small merchants and traders; sometimes they are carpenters, masons, and contractors; some of them are small politicians; a few are small agriculturalists; but the majority of them lead idle and aimless lives, and are generally shiftless and improvident. Of the educated classes among them, too many are vagabond politicians or professional "revolutionists," with no thought of making a living other than by holding office under the government.

The mestizos are most numerous in the towns and cities of the interior, where the middle classes among them are generally shop-keepers, mechanics, and artisans, the lower classes being domestics and day-laborers. Those of the educated classes are sometimes successful merchants and traders, but more generally lawyers, physicians, teachers, priests, and politicians. They readily intermarry with the whites; for between the whites and Indians there are apparently no social barriers, and certainly none between the whites and the mixed descendants of Indians and whites. In fact, the average mestizo is apt to boast of his Indian ancestry, and some of the most learned and influential men of the country are the sons or grandsons of Indian mothers.

The mulattoes and quadroons are seen in most of the

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large cities, especially on the coast and in the valleys of the great rivers. In the ordinary relations of life, they are never ostracised by either whites or blacks; yet it is manifest to any close observer that they are not popular with either. In fact, they seem to be secretly disliked by both, though there are never any overt manifestations of antipathy. The mulattoes especially seem to be an unfortunate class to themselves; generally ill-contented, restless, suspicious, and exacting, and manage to live somehow without doing much work. Of course there are honorable exceptions; I am now speaking of the rule. A few of them have attained to respectable positions in the learned professions, and a few are successful business-men in a small way.

The zambos are not very high in the social scale. They are rarely men of affairs; and, as a class, they are dissolute and idle. They have few of the virtues of either the negro or Indian, and often possess the worst vices of both. They are generally treacherous and quarrelsome, and for the most part live idle, immoral, and shiftless lives.

Here, then, we have three primal varieties, or "races," and four miscegenic combinations, making a total of seven in all, to say nothing of the conglomeration of all the seven in one, to which Humboldt failed to give a name. All these occupy a common country, speak the same language, and profess the same form of religion. Yet there has never been anything like a race conflict among them; for in none of the numerous civil wars of the country has the "color line" ever been drawn, and the words "white" and "colored" nowhere appear in any of the fundamental or statutory laws of the Republic. Since 1824, all have enjoyed equal civic and political privileges; all have had equal



accommodations on the modes of public conveyance; the hotels and places of amusement are open to all alike; all attend the same schools, colleges, and churches.

In explanation of this, it has been said that, since the independence of the country, no one race has ever been in the ascendant; that slavery went down with monarchic rule, when all class distinctions were obliterated; and that even before this, the three primal races had already become too closely identified to leave much room for race prejudice. Very true. But how shall we explain the explanation? In other words, whence came the conditions precedent to this amalgamation? I apprehend that, if we go back far enough, the true explanation may be found in the policy and example of the Church, which has always been and is still the dominant power in the country. The Church has always been and is still the only real bond of union between these heterogeneous peoples; and never, either by precept or example, has the Church recognized any race distinctions. Even in the old colonial days, when the Indian and the negro were both slaves, and when class privileges were still preserved, white and colored, master and slave, were on terms of equality before the sacred altars of the Church. All mere social distinctions were left at the threshold of the chapel or the cathedral. Under such conditions, race prejudice would naturally be less conspicuous than in countries where diverse forms of religion afforded no such common bond of union.

Then, does "social equality" really prevail in Colombia? I have been asked that question many times, and my uniform reply has been, No! Social equality nowhere prevails, and it never can. It is an impossible condition in any country. It nowhere prevails even in homogeneous communities, and is less likely to be found

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in countries inhabited by mixed races. Even political equality is, as every one knows, little more than an abstraction. Throughout South America, indeed in all democratic countries, one hears a good deal of liberty, fraternity, and equality, and the words are supposed to embody the modern doctrine of the rightful supremacy of the numerical majority. But the only novelty presented by them is found in the much-abused term "equality"; for liberty, even in its widest political sense, can never mean anything more than the ultimate extension of political power to the whole body of citizens, and surely this is not new. "Fraternity," or the common brotherhood of man, has been a commonplace sentiment for two thousand years. It is asserted as a theory, if not reduced to practice, wherever the Christian religion prevails. But the term "equality," as originated in the craze of the first French Revolution, and as subsequently adopted by noisy demagogues on this continent, expresses a grotesque absurdity. Even the half crazy Jean Jacques Rousseau admitted the existence of inequalities in maturity, and he scarcely ventured to deny them in birth. He ascribed them mainly to education and environment, and these were unequal conditions which he admitted no political system could ever wholly change. The more philosophic and cautious reasoners of this school of politics, who maintain with Hobbs that "all men are equally men," and therefore have equal social and political privileges, have found it convenient to forget, or at least to ignore, the common experience that their premises are wrong; for all men are *not* equally men in the sense here employed. Reason about it as we may, the stubborn fact remains that men do come into the world unequal in strength, virtue, and worth, and so continue during the whole period of their earthly existence.

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Equality of right, then, can practically mean no more than that each man has an equal right to what is rightfully his own; and "his own" is found only within his natural and proper sphere. Once out of that sphere, he is out of relation to society, and disorder ensues. The civil society of which he is a member becomes abnormal and discordant, and the only logical remedy consists in finding his place and keeping it. When we say that all men are born with equal powers and faculties, with equal influence in society, and with equal temperaments, properties, and advantages, we utter a manifest falsehood. It is something more than a falsehood; for no greater imposition upon the ignorance and credulity of the masses was ever perpetrated, and every man of intelligence can but secretly despise all such shallow tricks of the demagogue. In the Colombian capital, as in all the South American cities, one may see every shade of color and all degrees of social standards; but in each there is always an inner social life, quite independent of the accidents of official position or the varying fortunes of political parties, where people claim and exercise the prerogative of freely choosing their own associates.

In some of the West Indies, the condition of society brought about by this mixture of the white and colored races is truly deplorable. The Indian of pure descent has entirely disappeared. In some of the islands, the negro and his descendants seem to be the dominant race. We see mulattoes, quadroons, and octoroons on every hand, but few or no metizos and zambos. Generally, you will see ten negroes to one white man of pure blood. To all intents and purposes, Hayti and San Domingo are negro states, miscalled republics,—for in reality they are little more than organized anarchies in which the white man and the mulatto are both objects

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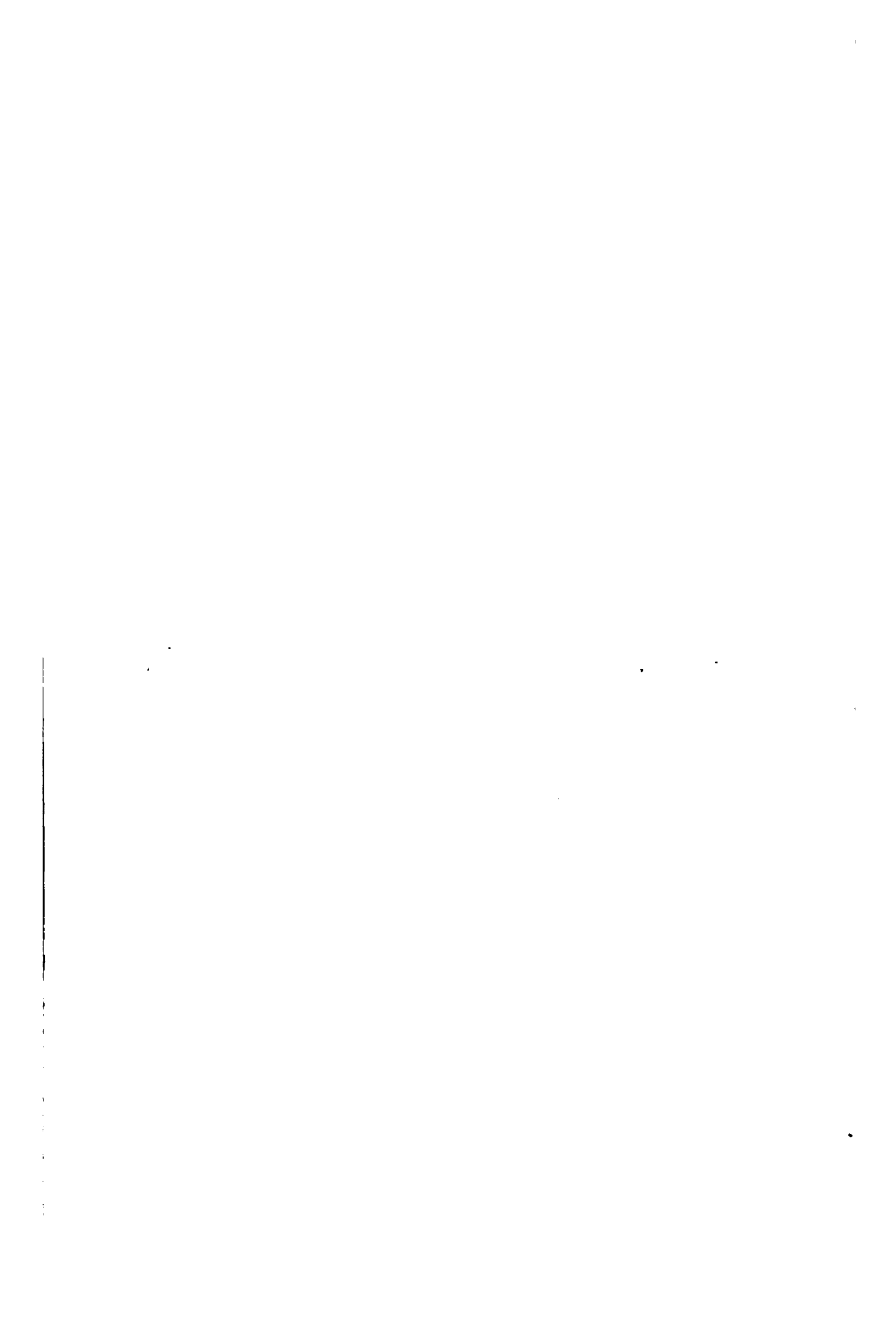
of aversion. Even in Jamaica, where order is maintained by external force, a white family can seldom live in either peace or safety outside the cities; and sugar plantations, that were once very valuable, can now be bought at less than half their former price. In Barbados, the few white men who still remain, do so from necessity rather than choice. Even in Trinidad and British Guiana, order is preserved only by the strong arm of the British government.

It is only in the states of Central and South America that the three primal races and their mixed descendants live in comparative harmony; and it is only there that we witness the slow but steady process of amalgamation. What the final outcome may be, is still a matter of conjecture. The idea of amalgamation of the white and colored races is truly shocking; yet some believe, and others venture to hope, that decades hence the result may be a composite race, peculiar to climate and environment, homogeneous in character, and therefore better adapted to the task of self-government than their heterogeneous ancestors.

These miscegenic communities became free states more than three quarters of a century ago, and the Indian and African slave and their mixed descendants became free citizens. In the epidemic of utopian ideas, originating in the craze of the first French Revolution, they were invested with the right of the ballot before a majority of them were qualified to exercise it. The result was disorder and misgovernment. After a long series of experiments, more or less disastrous, there has been some improvement, some progress in civilization. It would be marvellous indeed if there had not been. For, if we accept, as we must, the great natural law of progressive development from lower to higher forms, we must conclude that these heterogeneous peoples



FOREST VIEW, NORTHWEST COAST REGION, GUAYANA



will become ultimately homogeneous, and attain to the capacity for orderly self-government. But it is yet too soon to conjecture the probable advent of such a political millennium, or to venture an opinion as to the probable character of the new race that is now being evolved.

With us of the United States the so-called "race problem" had a later origin, and it is somewhat less complex in character. Our Anglo-Saxon ancestors sought no religious or other pretext to enslave the native Indian. Indeed, if the truth must be owned, they seemed to care very little about him anyway. He might have been a member of the human family or he might not; might have had an immortal soul or might not, — these were secondary considerations with those who claimed to be "the chosen of the Lord," and commissioned by Him to "drive out the red Philistine" and possess themselves of his lands. Denied the privileges of either slave or citizen, and having few rights as an alien which the white man felt bound to respect, the native Indian was never incorporated into the new civilization, and there was never any appreciable amalgamation of the two races. It was simply an instance of "the survival of the fittest," that is to say, of the strongest, such as is being constantly illustrated in the habits of the lower animals.

Not so, however, with the exotic African. Early in our colonial history, England sought to increase her North American products for home consumption and re-exportation, and to discourage the emigration of her European subjects to the New World, where they were disposed to seek refuge from the oppressions of the Restoration. To accomplish these ends she did not hesitate to fasten upon her colonies the curse of negro slavery, even in violation of her own laws, and over the

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repeated protests of our colonial ancestors. Even as late as the middle of the seventeenth century, Charles II., by public proclamation, called upon his loyal subjects in England to subscribe to a joint-stock company, organized under government auspices, the declared purpose of which was "the importation of African slaves into America."

In a few decades this influx of Africans began to excite alarm, and the legislature of Massachusetts imposed a prohibitory tax upon it. But the law was made inoperative by the interposition of the royal Council, and subsequently each of the royal governors was instructed from London to promptly veto all such "presumptuous enactments." The result was that, in the colonies of Virginia, Pennsylvania, and New Jersey, every measure by the local legislature looking to a restriction of the African slave-trade was stifled by an executive veto. The colonists next resorted to the right of petition; but every petition to the Crown asking for a restriction of the slave-trade was received with haughty indifference. Finally, in their desperation, the colonists resorted to concert of action. The Congress of 1774 passed a Resolution to the effect that, after December of that year, no more African slaves should be imported into any of the colonies; and, two years later, when the controversy with the mother country culminated in the formal Declaration of Independence, the original draft of that document contained a clause alleging, in justification of the act, that the king of Great Britain had "steadily forbidden all attempts to prohibit, or even to limit, the importation of African slaves into the colonies."

This clause was stricken out, as Mr. Jefferson subsequently admitted, "in complaisance to South Carolina"; thus affording the first example in our colonial



history of the sacrifice of principle to temporary expediency, and, like all such sacrifices, it cost the country dearly. For, up to that time, the colonial Congress, as a *de facto* body, had stood fairly committed against negro slavery; but now, when for the first time the Congress had become a *de jure* body as well, it weakly abandoned the whole question in deference to a little handful of rice-planters whose loyalty to the cause of Independence had never been quite above suspicion. Not only did the continental Congress thus abandon the question, but, by subsequent legislation, it virtually legalized slavery by relegating it to the particular colonies or "states."

This was the turning-point in the history of the slavery question in the United States. For, as Professor Von Holst has pointed out,<sup>1</sup> up to that time, while negro slavery was a recognized fact in each of the colonies, it was not a legal institution in any one of them. Not one of the original charters under which they had been established contained a single word or clause that could be tortured into even a constructive grant of right to property in man. Slavery in the abstract had never been sanctioned by either the common or statutory law of England, and both classes of laws were still of force in each of the thirteen colonies. Nor did the fact that England had forced African slavery upon them, contrary to her own laws, alter the legal aspects of the case.

The fatal consequences of this first blunder mark every page of our constitutional and political history from that day to this. We encounter them in the annals of the first Confederation, in the reported proceedings of the Convention of 1787, in articles one and four of the Constitution submitted by that Convention, in the debates pending the final ratification of the Constitution,

<sup>1</sup> In his *Political and Constitutional History of the United States*.

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in the subsequent amendments to that instrument, in the decisions of our Supreme Court, and in the long series of legislative expedients or "compromises which settled nothing, decided no question, but merely put off the day of trial." Finally, when all temporary expedients were exhausted, and the day of trial could be put off no longer, slavery went down forever; but in that baptism of fire and blood, we narrowly escaped the fate of our trans-Caribbean neighbor of 1830, and a condition of organized anarchy similar to that which prevailed in the dismembered fragments of the old Colombian Union.

The results of our civil war, and the constitutional amendments which followed, made us a nation in fact as well as in name, by fixing the allegiance of the citizen where it properly belongs; and they incidentally transformed the negro slave into a free citizen of the Republic and of the particular state in which he resided. But this brought us face to face with a still more perplexing form of the race problem; for the question then was, how to adapt the principles of local self-government to local communities, the masses of which were as yet unfitted for self-government. And that form of the problem is still with us. For, stripped of all embellishment and demagogic rhodomontade, the real issue still is, not whether a republican form of government is best adapted to these communities, but whether, in a Republic, the suffrage should be unrestricted and universal, or judiciously limited to those capable of exercising it with safety to the community?

It seems to me that this question admits of but one rational answer. If the professed object of all government, of whatever form, be the *general* welfare, it is the manifest duty of the state to restrict the suffrage to those of its citizens who are capable of exercising it

without peril to the good order and safety of the commonwealth. But this restriction should be *impartial*, otherwise it would be undemocratic, un-American, and manifestly unjust. There is no valid reason why an unfit person should personally participate in the affairs of government merely because he happens to have blue eyes, straight hair, and a white skin; and to say that a man should be allowed to vote because, and *only* because, he happens to be a negro, is equally absurd.

It is admitted that a restriction of the suffrage to a literary or property qualification, or both, would result in exceptional cases of individual hardship. A man may not be able to read and write, and yet possess sufficient judgment and knowledge of affairs to vote intelligently; or he may be able to read and write, and yet have neither sound judgment or a dollar's worth of taxable property. Such conditions are not only possible, but within the range of ordinary experience. But perfection in human legislation is not of possible attainment; no one expects it. The most that is possible, and therefore the most that ought to be expected, is the adoption of the least objectionable alternative; and the alternatives presented are the evils of unrestricted suffrage, or the exceptional and temporary inconveniences and hardships of the proposed remedy.

It is agreed, I presume, that the first named is a standing menace to republican institutions; that it threatens our very civilization itself; and that, therefore, the welfare of whole communities demands some prompt and efficient remedy. It is granted that the remedy proposed would temporarily affect individual privileges, but not individual rights. It would work no positive wrong or permanent inconvenience to any. Suffrage is not, and never has been, in any of the American republics, an inherent and inalienable right,

inseparable from citizenship. Our own Supreme Court has decided more than once that a man may be a citizen, clothed with all the rights and immunities of citizenship, without being a qualified elector. Besides, the individual citizen who might be temporarily excluded from the privileges of the ballot, would have all the more powerful incentive to qualify himself to become a voter; and where education is practically free, and the avenues of honorable industry are open to all, he could hardly fail to attain to the requisite standard. But if he be without ambition, and be idle and shiftless beyond redemption, then no mere political or partisan contrivance, nor any amount of mere class legislation, can ever fit him for participation in the affairs of government.

Are these thought to be visionary and impracticable views, plausible in the abstract, but impossible in practice? That they will be so characterized by demagogues is to be expected; for demagogues cannot be expected to favor any measure of reform the declared purpose of which is to lessen their power and influence. Therefore the wishes of demagogues will have to be disregarded if we would make an honest effort at reform; and a little reflection ought to convince honest but timid men of the popular error that universal suffrage has been firmly incorporated *as a principle* in our Federal Constitution. Each of the states in the Union is still competent, and exclusively competent, to fix its own standard of suffrage. The only restriction imposed by Articles XIV. and XV. is that suffrage shall be *impartial*. There must be no discrimination "on account of race, color, or previous condition of servitude." Persons unfit to participate in the affairs of government may be legally excluded from the privilege of the ballot; but so long as Article XV. remains unrepealed, the line of exclu-

sion must be drawn without reference to race or color distinctions.

It is true that by Article XIV. of the Constitution "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States"; and there is a clause which prohibits any state from making or enforcing "any law abridging the privileges or immunities of citizens of the United States." But what is meant by the terms "privileges or immunities"? They are not new in the Constitution. They were there eighty years before Article XIV. was adopted, or even thought of; and, according to our Supreme Court decisions, the terms do not relate to the question of suffrage at all, but only to civil and social rights. Thus, women have all the "privileges and immunities" incident to citizenship, but women are not and never have been voters. Moreover, the qualifications of electors is still as much a matter for the particular state to determine as it ever was. Any state may disfranchise its citizens—that is, citizens of the United State residing within its borders—for any cause it may see fit, except only for "race, color, or previous condition of servitude." The state would thereby lose a corresponding portion of its numerical representation in the lower House of Congress and in the presidential electoral college. But in compensation for this, it would gain in the character and ability of its representation; and experience has shown that a few able and experienced men of affairs count for more in practical legislation than any number of fools. Besides, the state's quota in the Senate would not be changed; there would still be two Senators for each state. Since, therefore, the reform indicated would involve no violation of the Constitution, would impair no rights that are incident to citizenship, and would give us bet-

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ter government by constitutional methods, there would be nothing revolutionary about it. It would be merely the exercise of an undisputed prerogative of the state, guaranteed by the great fundamental law of the Union itself.

But even if, in order to save whole communities from anarchy, it should be found expedient to abrogate (by means provided in the Constitution) the amended Article XV. of the fundamental law, what then? All government is more or less experimental; and that form of government is best which is best adapted to the wants and conditions of those who live under it. Constitutions must grow, must be evolved by experience. Revisions, abrogations, and amendments become necessary as conditions and circumstances change. And if, after a fair trial of more than a quarter of a century, an article or a provision of our written Constitution has been found to be a blunder, it is the province of true statesmanship to recognize the error and seek the legal and orderly means of correcting it.

## CHAPTER X

### DEMOCRACY IN SOUTH AMERICA

**A**S early as 1790 a sentiment of discontent with monarchic rule began to manifest itself in Caracas and Carthagena, and soon extended to the interior cities of Bogotá and Pamplona. The project of independence and autonomous government was even then freely discussed, and had attracted some attention in the United States and in Europe. It was, however, confined to a small circle of educated men who were hopelessly in advance of local public sentiment, and was easily stifled by the blood of a few victims.

Some years later, when the scheme was again revived, several of the more prominent leaders were banished from the country, and found refuge in Italy. At Rome they met the British ambassador, who offered them asylum in London. England and Spain were then at enmity; and the government at London probably cared less for the fate of the refugees than for the overthrow of a régime which had excluded British trade from South America. At any rate, hating Spain rather than loving an abstraction, the British ministry did not hesitate to encourage sedition and rebellion in the Spanish-American colonies.

Very soon, however, there was a treaty of "peace and amity" between Spain and England which was well calculated to discourage the South American patriots; although, despite this treaty, it was alleged

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that they continued to receive secret assurances of sympathy from Great Britain. But the malcontents of Colombia and Venezuela had already begun to look elsewhere for substantial aid, and were soon encouraged from another quarter. The quixotic schemes of the French democrats had just been proclaimed, whereby it was proposed to reform the politics of the world in general, and, in particular, to republicanize old Spain and emancipate all her American colonies. But the hopes thus inspired were suddenly doomed by the tragic end of the French Republic; and, amid the shifting scenes of European politics, England was again in a position to be appealed to by the Spanish-Americans. They proposed to declare the colonies independent of Spain on condition of a loan of a large sum of money, to be returned in easy instalments after independence should be acknowledged. By the terms of this proposal, England was to have absolute freedom of the isthmian ports and transit; and there was to be established, besides, such a connection between the Bank of England and the colonial commercial houses as would give British merchants and carriers a monopoly of the trade of the country.

But the negotiations failed, or rather were suspended by the sudden renewal of hostilities in Europe; and the patriots were again disappointed. The masses of their people at home were generally indifferent, and the cause of independence now seemed hopeless. Even as late as 1808, when it was again revived, and more generally agitated than before, the extreme apathy and indifference of the masses gave little hope of immediate results. Centuries of political and ecclesiastical vassalage had accustomed them to habits of obedience, and if they had ever realized the depths of their humiliation, they seemed hopeless of any change for the



better. But a train of circumstances, over which they had no control, brought on the crisis of two years later.

The treaty of Bayonne had incidentally transferred to Napoleon I. all the Spanish possessions in America; and, having been forced to part with Louisiana, he now turned his attention to the Southern hemisphere. Hardly had he matured his plans, however, before hostilities were renewed in Europe; and the invasion of Spain, at a time when she was unprepared to give much attention to her colonies, afforded the opportunity so long sought by the Venezuelans and New Granadians. So in July, 1810, they deposed the Viceroy and declared the country independent of the Spanish crown. This was accomplished without a struggle; not a gun had been fired, not a life had been lost; and a bloodless revolution seemed assured.

But the end was not yet. Some months later, there arrived at Puerto Rico an adventurer named Domingo Monteverde, — a coarse, cruel, ambitious, half-educated fellow, itching for fame. He had espoused the cause of Ferdinand VII., and obtained a commission as field marshal in the royal army. Landing in Venezuela, he invaded Carora, and defeated the patriots in the first pitched battle. Then followed the twelve years of armed conflict which is perhaps without a parallel in the annals of modern warfare. Venezuela and New Granada, hitherto separate dependencies under Spain, now formed separate *juntas*, or provisional governments; and each prepared to maintain its independence not only of Spain but of each other. Very soon the process of segregation began in both; and before many months there were some half-dozen petty provinces of each country claiming to be "independent states." Thus, in New Granada, the *de facto* Congress, com-

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posed of delegates from all the departments or provinces, was forced to choose between a total abandonment of the confederation and a war of coercion. The Congress chose the latter alternative; the refractory provinces were whipped into the Union, and compelled to obey its mandates. A similar condition of affairs existed in Venezuela; and in both countries the contest for independence often partook more of the nature of a civil war than of an organized resistance under a single head.

But even this anomalous state of affairs had its advantages. Although jealous of each other, all factions were united in a common purpose to throw off the Spanish yoke; and when not actively engaged in quarrelling and fighting among themselves, they were unitedly or separately prosecuting the war for independence. In those mountainous regions guerilla warfare is the most effective form of defensive military operations; and when the patriot forces were defeated in one province or section, resistance would spring up in another. When the united armies of the colonists were overthrown and dispersed by the Spanish forces, the little provincial *juntas* would keep alive the spirit of resistance. When the patriot cause seemed hopelessly lost by reverses in Venezuela, it would be suddenly revived in New Granada. When everything seemed hopeless in New Granada, the cause would come up again in Venezuela. So that the very diversity of governments, all engaged in a common cause, served to distract the attention of royalist chiefs and embarrass their operations.

After several years of this confusion and anarchy, General Símon Bolívar, a young man of aristocratic lineage and brilliant talents, though hitherto little known, came to the front and was made military dic-

tator. A series of decisive victories by the colonial forces under his command soon followed, and the cause of independence seemed assured. A resolution was now introduced into the Congress of the United States, championed by Mr. Clay, looking to the formal recognition of the new Republic. After considerable delay, this measure finally passed both Houses, and received the sanction of the executive; and on the 8th of March, 1822, the United States formally welcomed the new commonwealths into the great family of independent nations.

This step was taken in advance of all the other powers, over the vehement protest of the Spanish minister at Washington, and in defiance of a wordy menace by the Spanish Cortes. And yet many of our people, unacquainted with the civilization and history of the Spanish-American countries, expressed surprise that our action had been so long delayed. The war for independence had been going on with varied fortunes, but generally adverse to Spain, for twelve years; and after having inspired the Spanish-Americans by our example of thirty-four years before, people marvelled that we should have been so backward in taking the initiative to put an end to the contest.

But the delay was fully justified when its causes became better understood. The case of the Spanish-Americans was in no true sense parallel to that of our own struggle for independence. The primitive conditions of the two peoples had been totally different. The Anglo-American settlements on the North Atlantic coast had never been colonial in the sense in which that term was understood in Spanish-America. They had been autonomous communities from the very outset. They had never endured, even for one brief month, the commercial restrictions, political vassalage, and long

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series of studied insults to which the Spanish colonists had submitted, almost without complaint or remonstrance, for more than three centuries. The North American colonists hardly knew the meaning of the terms political and ecclesiastical slavery, for they had never been the victims of either. They did sometimes fancy themselves sufferers from religious bigotry, or the victims of unjust legislation; but they had never known a time when they could not arraign their colonial governors in "town meeting," or freely criticise Church dogmas; and the very moment they discovered, or fancied they discovered, a disposition to reduce them to a mere colonial condition, such as existed in Spanish-America, organized resistance began.

How very different was the case with the Spanish-Americans! They had never known anything like local self-government, and they knew even less of religious liberty. The natives had been reduced to a condition of abject servitude; the creole population had been trained never to question the authority of the imported magistrate; and the authority in temporal affairs of an established Church had never been controverted by either. The Church ruled everything, from the household to the common-law courts. It had prohibited the teaching of the arts and sciences; restricted education to the Latin grammar and the catechism; and limited the public libraries to the writings of the Fathers and to works on civil and ecclesiastical jurisprudence. It had even prohibited the study of modern geography and astronomy, and forbade the reading of books of travel. It discouraged the study of the higher mathematics, and condemned all philosophic inquiry and speculation as heresy. It had even placed under the ban such innocent fictions as *Gil Blas* and *Robinson Crusoe*; and there had never been a book or a magazine or a newspaper in the

whole country that was not conformed to the strictest rule of the Roman Index. The Viceroy and Captains-General were all foreigners; some of them impecunious adventurers of desperate fortunes. None of them had any permanent interest in the country; none of them were ever in sympathy with the people they governed. The ports and harbors of the country were closed to the world's commerce, and it was made a felony punishable with death to trade with any but Spaniards. How could a whole people, thus kept secluded in ignorance and slavery for more than ten successive generations, be reasonably expected to suddenly realize their true condition, or to improve the means for utilizing the matchless resources of their fertile and beautiful country? The marvel is not that their struggle for independence was so long delayed, but that their independence should so soon become an acknowledged fact.

In one respect, however, their political history is analogous to our own. It required a long series of almost fatal experiences to induce New Granada, Venezuela, and Ecuador, and the petty provinces, or "states," of each, to sufficiently overcome their prejudices to form a federal Union. Thus, the opposition to the old Colombian Union was very general, not only by the leading politicians of both Venezuela and New Granada, but likewise by the politicians and demagogues of the provinces in each of those countries. Nor was this strange antipathy confined to the demagogues alone. Intelligent and patriotic men who had other avocations than office-seeking, had a strange and undefined dread of something which they called "consolidated government," without knowing exactly what that meant; and with them, as with us, this senseless fear of "centralization," long continued to be the evil genius of their political institutions. Thus in Venezuela, the

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first attempt at free government resulted in a loose confederation of petty prefectures with powers to recommend everything, but with power to do nothing; and those who clearly foresaw the condition of imbecility and anarchy which must inevitably follow, were too much afraid of what they conceived to be public sentiment to earnestly combat the heresy. In New Granada, the little commonwealth of Cundinamarca could not be induced to so far compromise its assumed "sovereignty" as to become a member of the confederation until force was resorted to and its capital placed under martial law. Others of the self-styled "states" were very little less refractory; and it was only through the military prestige and personal influence of General Bolívar that the Union became a possibility.

After the great battle of Boyacá, General Bolívar procured a meeting of delegates from all the provinces at the old town of Angostura. In an elaborate address to this Congress he urged the importance of the union of Venezuela, New Granada, and Ecuador under "one efficient national government;" and on the 19th of December, 1819, a fundamental law was adopted whereby the three states were united in confederation. This was followed by the appointment of a commission to draft a constitution of government. The Commission prepared and submitted a draft, which, after various alterations and amendments, was finally and with great difficulty adopted on the 30th of August, 1821.

The principles of that Constitution were those of a representative, consolidated republic. It recognized one supreme national legislature, and tolerated no subordinate ones. There was complete unity of authority. The prefectures were subordinate powers of government, under the immediate direction of intendants ap-

pointed by the President and responsible only to him. The provinces, or "states," were each placed under a Governor-General appointed by the President. The people (or rather such of them as were qualified voters) elected Electors, who chose the President and Vice-President, and likewise the Senators and Representatives in Congress. One Representative was chosen for each thirty thousand inhabitants; and for every fraction of population over sixteen thousand in any one province, an additional Representative was allowed. Each province was entitled to four Senators, two of whom were chosen every four years, the long term being eight years. The Representatives were elected for four years; the President and Vice-President for four years, and either or both might be re-elected for one succeeding term. The popular election for Electors was held every four years in the respective parishes, at which each qualified voter (and for this purpose a small property qualification was necessary) gave his suffrage for the number of Electors to which the province was entitled. The Electors thus chosen met once in four years at the capital of the province, and chose by ballot all the important officers of government. The vote thus cast was returned to the national Congress, which, in joint session of both Houses, canvassed the returns and officially declared the result. The President and Vice-President were chosen by a majority of the Electoral vote in all the provinces; the Senators and Representatives by a majority of Electoral votes in the respective provinces and districts.

The judiciary was singularly crude and defective. The civil and criminal codes consisted, for the most part, of ill-arranged collections of royal ordinances, obsolete Spanish laws, and old colonial decrees ill-adapted to the new order of things, — the whole abounding in

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contradictions well calculated to vex the suitor, defeat the ends of justice, and fill the pockets of needy lawyers.

General Bolívar was elected first President, as was natural; but hardly had he been officially installed before he encountered the most acrimonious criticism. Factious opposition sprang up all over the country. Local politicians whose claims to office had not been recognized, or whose political influence seemed likely to be lost in so large an expanse of territory, became irreconcilable, and were ready to resort to any means in order to keep themselves before the public. They accused the President of having monarchical designs; of being in secret correspondence with the princes of Europe; of treachery to the cause which had so gloriously triumphed under his leadership, and which had cost him his private fortune. The old bugbear of "consolidated government" was revived and dragged forth to frighten the timid and to manufacture a false public sentiment. Treachery lurked everywhere. The President's life was often openly threatened, and on one occasion, in order to escape the midnight assassin, he leaped from his chamber window and fled in disguise from the capital. Matters went on from bad to worse, until finally the crisis came. After less than six years of fitful existence, the Colombian Union was no more; the demagogues had triumphed; the reign of organized anarchy now began.

It has been said by some of his own countrymen that Bolívar deserved his sad fate, that he was by birth and habits of thought an aristocrat, without sympathy with the masses. But the demagogues said the same of our own Washington; and the saddest incident of this demagogic crusade was, that it had been incited by no less a man than Thomas Jefferson. That Bolívar was well descended he could not help; yet the demagogues



never forgave him for being a gentleman. They hated him instinctively. That he was never a democrat in the modern depraved sense of that much-abused term will have to be admitted. No more was Washington. Both wanted *representative* government; neither wanted a degenerate democracy. Bolívar did not seek to conceal his distrust of the policy of frequent elections by unrestricted suffrage; and he particularly distrusted it in his own country, where the masses were without previous political training or experience. He believed in perfect equality of civic rights, but not in equality of the right to govern.

Democracy! There are few words in the English language that have become so perverted and meaningless. In Greece, whence the term is derived, it meant a commonwealth so constituted that the political power was exercised by the body of citizens, as contradistinguished from government by a single individual or by a dominant caste. It by no means implied absolute equality of right in all citizens to exercise political power, but quite the reverse. In the Greek republic, this right was not extended to all citizens indiscriminately, but was wisely limited to those who, by education and personal responsibility, were qualified to exercise it without detriment to the general welfare. And subsequently, when the gradual extinction of inequalities of political rights culminated in the transference of power to the mass of citizens without distinction, Aristotle characterized it as "degenerated democracy," which soon ended in the hopeless collapse of free government.

Now a true democracy is just as antagonistic to ochlocracy or mobocracy as it is to aristocracy or hierarchy. A democratic form of government requires the removal of all class privileges which destroy the unity and

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homogeneity of the state or nation. It therefore implies the establishment of complete personal and social liberty, and the equality of all before the law; but with respect to political rights or direct participation in the affairs of government, it requires only such a form of constitution as will exclude no *class* of citizens, *as such*. The making of the exercise of political functions dependent on certain guarantees in the case of each individual is certainly not undemocratic; while to admit the whole body of citizens to share in the government at once, quite regardless of personal qualification, is not only undemocratic but anarchical. It is only in proportion as intelligence and culture increase that a wider circle are capable of such functions, or that suffrage may be extended with safety to the state. Hence restricted or qualified suffrage, so far from being incompatible with democratic principles, is in reality essential to the perpetuity of a democratic form of government.

That Bolívar should have shown less confidence in the ability of the masses to govern than did Washington, was only natural; he had a very different kind of people to deal with. He believed that form of government best which was best adapted to the condition of those who were to live under it. He tried to impress this upon the minds of his countrymen as early as 1815. His plan of government, as then formulated, was an elective chief magistrate or President, whose term of office should be for life or during good behavior; a national legislature or Congress, composed of two branches or Houses, — one, the Senate, to be an hereditary body or else elected for long terms; the members of the House to be elected every two years by the vote of the people; and an independent judiciary, the terms of the judges being for life or during good behavior.

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This was quite as far in the direction of democratic government as he thought a people who had just emerged from a long night of slavery and ignorance were prepared to go with safety; and time has abundantly shown that his apprehensions were well-founded. For scarcely at any time since the disruption of the old Colombian Union has there been in either of the three countries of which it was formed, and perhaps never in all of them at the same time, a government that was democratic in anything but name. To adopt the language of a distinguished Colombian statesman, Dr. Rafael Nuñez, for many years President of the Republic, "their normal condition has been disorder and civil war;" and even during their exceptional periods of complete tranquillity the "President has been generally more of an autocrat or a military dictator, than a civil magistrate responsible to the people."

## CHAPTER XI

### THE SAME SUBJECT CONTINUED

**O**N the ruins of the old Colombian Union there soon arose the three independent states of Venezuela, New Granada (new Colombia), and Ecuador. Each of these had its written constitution of government, which, however, as construed by the courts and politicians of each, was little more than a compact between a number of small provinces, or prefectures, dignified by the name of "sovereign states." All power not "expressly delegated" to the general government was reserved to these so-called "sovereign states." The ultimate allegiance of the citizen was due, not to the federal or national government, but to the particular province or state wherein he resided. He owed no allegiance to the national government except such as he owed incidentally by reason of his citizenship of the particular state. In other words, the confederation was a nation in name only. It had neither citizens nor subjects. It was a government with nothing to govern. It had none of the attributes of real sovereignty. True, the treaty-making power and the administration of foreign affairs had been expressly delegated to it; but it had no power to enforce treaty obligations as against any one of the constituent states, nor any power to enforce its own mandates within the territory of a particular state! In short, a fuller and more complete realization of the dream of Thomas Jefferson and his



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political followers can hardly be imagined. Now let us see how it worked in practice.

In Venezuela the process of individuation and segregation went on until the number of "sovereign states" had increased from six to twenty-one. The fifteen new states thus created had not been formed from newly acquired territory or from any public domain; but were carved out of the original six, and apparently for no other purpose than to increase the number of public offices. Each of the twenty-one states had its chief magistrate, or "President," as he was grandiloquently styled; each had its legislature and judiciary, and each its own military establishment. Any one of them might repudiate its pecuniary obligations with impunity; for a "sovereign" cannot be sued, even in his own law courts, without his previous consent, and this was rarely given. And each might, with equal impunity, violate a public treaty, and thus bring humiliation and expense upon the general government, which was practically without redress against the offending party. It was but natural then that "revolutions" and counter-revolutions should have become the rule rather than the exception; and that the condition of anarchy should have become so persistent and intolerable as to prepare the public mind for a military dictatorship.

The government was still a republic in name, but an autocracy in everything else. To all intents and purposes the will of the dictator was the fundamental and statutory law of the land. The legislature and the judiciary, though somewhat expensive ornaments, were but his dependents. He dictated the laws to be enacted, and what interpretations should be given to them by the courts; dictated to the Church what bishops it should appoint; to the schools and colleges what text-books they should use; to authors what they

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should write and publish; to the women what style of dress they should wear in the streets; to merchants what foreign goods they should import; to manufacturers the quality and prices of their articles; to bankers what should be considered legal tender; to persons contemplating matrimony the character and place of the nuptial ceremonies; to hackmen and common carriers what they should charge for their services; to butchers and market-men the number of cattle they might slaughter in a given time; to architects and builders the particular style of house they should construct in the capital; and when he took a fancy to a particular piece of realty, he seldom hesitated to fix the price and order the owner off the premises. People tamely submitted to this tyranny for about twenty years, because it was preferable to organized anarchy. Finally, however, getting a little tired of the monotony, they threw off the yoke. A constitutional Presidency was established; the Presidential term was fixed at two years, and the President made ineligible as his own successor. But when his two years' term expired, he usually found some plausible pretext for attempting to hold over another two years; and this would lead to another revolution, to another armed conflict, which would end in another dictatorship before public order could be restored.

In Ecuador there was a revolution and a new constitution of government about every four years. Thus, from 1830 to 1860, there were seven successive constitutions. Each of these provided for a government "republican in form"; but under each the actual government (when there happened to be any) was either an autocracy, an ecclesiastical hierarchy, or a military despotism. That of 1830 was based upon the idea of absolute local or "state sovereignty." The legislature was composed of a single House of Deputies; and each



province, or "state," was entitled to the same number of deputies, quite regardless of population. This was succeeded by the Constitution of 1835, which provided for two House of Congress, one of which was apportioned to population, the other to the number of "states." This, in turn, was superseded by the Constitution of 1843, which was the first to guarantee freedom of religious worship; but a "revolution" followed almost immediately, resulting in the new Constitution of 1845, whereby the President was invested with extraordinary powers. The government was an absolutism, pure and simple, though of course still republican in name. This gave way to the Constitution of 1850, which again reduced the Congress to a single House, in which representation was according to "states," quite regardless of population. In place of the Senate there was a Federal Council, in imitation of that of the Swiss Confederation. This Constitution lasted for two years, when it was superseded by that of 1852, which provided for its own amendment, or its entire annulment, annually; and for the purpose of such revision or annulment the President might convoke the Federal Congress at any time. Since then, probably no one whole calendar year has passed without some "constitutional reform," and it would require rare powers of analysis to draw the distinction between what is considered fundamental and statutory legislation.

A similar condition of affairs existed in New Granada. Local and general revolutions chased each other in rapid succession, and constitutional changes were so frequent that it is difficult to even enumerate them in chronological order. Each of the nine provinces, or prefectures, was clothed with the name and dignity of a "sovereign state," and the mystery of the Trinity was outdone in ingenious devices to reconcile plural sover-

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eighties with national unity. There was no central or paramount authority—except on paper. Primary allegiance was due, not to the nation, but to the constituent state in which the citizen resided. Even allegiance to the particular state was hardly in the nature of an obligation; for back of the theory of state allegiance was the doctrine of individual or personal sovereignty. Every man eighteen years of age and upward was a sort of nondescript sovereign floating about at random, governed by a “higher law” inherent in himself. He owed society nothing; society owed him everything; for his ultimate allegiance was due to himself only! Consequently, when, for any reason satisfactory to himself he declared against the government, he was not a traitor at all, but only a “revolutionist” asserting his inherent right as a “sovereign.” And any one of the so-called sovereign states might nullify a law of the Federal Congress with as little ceremony as a dissatisfied principal might disclaim the acts of a subordinate.

During the thirty years intervening from 1830 to 1861, there were five successive constitutions, not one of which was ever respected when it became an obstacle to the ambition of some local military chieftain. There were no two whole years of perfect peace and tranquillity during the entire period; for there was a “revolution,” local or general, on an average about every eighteen months. Even in its most tranquil moments, the government failed to inspire public confidence, and what capital there was in the country generally sought investment abroad. In short, to again adopt the incisive language of a distinguished Colombian scholar and statesman, “The maintenance of public order was the exception, and civil war the rule.”<sup>1</sup>

<sup>1</sup> Dr. Rafael Nuñez, President of Colombia in 1883-4. *La Reforma Política en Colombia*, p. 98.

After the great civil war of 1861, generally known as the Mosquera Revolution, the sixth Constitution of government was framed and adopted. It changed the name of the country from New Granada to the "United States of Colombia," disestablished the Church, confiscated nearly all Church property, and disfranchised the clergy, but extended the suffrage to all other male persons eighteen years of age and upwards. It made all officers of government elective for short terms, abolished the death-penalty, and made ten years imprisonment the maximum punishment for the crime of murder. It guaranteed (on paper) perfect freedom of conscience, of speech, and of press, and provided for a system of non-sectarian public instruction, to be conducted under the immediate direction of the state. But it denied to the federal or general government all power to interfere in the affairs of the constituent states, even for the punishment of crime or the preservation of public order. And it expressly provided that "when one sovereign state of the Union shall be at war with another, or the citizens of any one state shall be at war among themselves, the Government of the Union is obligated to preserve the strictest neutrality," and let the belligerents fight it out, or otherwise settle their differences to suit themselves! The judiciary was a mere travesty. The federal Supreme Court had no appellate jurisdiction, nor was there any national court of appeal. A cause of action arising within the territory of any one of the particular states (and a cause of action could hardly arise elsewhere, since there were no federal districts) could be adjudged by the state courts only; and once so adjudged the case was *res adjudicata*. There could be no appeal, no matter how monstrously illegal the sentence, or however informal the proceedings. The dissatisfied or injured party had no recourse other

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than by petition to the state legislature; and the most that that body could do would be to order the judge to jail, with the certainty that he would be pardoned and restored to liberty by the executive. The judges were generally local politicians; often men of rather shady moral character, and sometimes not even lawyers by profession.<sup>1</sup>

This constitution, which was, as I have said, the sixth in chronological order, remained in force for about twenty-two years; and during that time there was as many as eleven "revolutions," or one on an average of about every two years. And yet it has been stated by a distinguished Colombian publicist<sup>2</sup> that "during this period, public disorders were much less frequent than under any previous period after the dissolution of the old Union." He might have added with equal truthfulness that when suffrage became universal, fair elections ceased to be possibilities, and that a defeated candidate never thought of acquiescing in the result, provided he saw a reasonable prospect of successful appeal from ballots to bullets.

After the hopeless failure of the armed revolt against the Nuñez administration, in 1885, another Constitution was framed and adopted, making the seventh in chronological order within a period of not quite fifty years. This last Constitution, which is still in force, changed

<sup>1</sup> I have the following story from a well-known Colombian lawyer: A small politician of local influence, but who had never pretended to be a lawyer, was elected judge in one of the interior districts. His first case was an action of ejectment. After puzzling over the papers for a while, he ordered the clerk to make the following entry on the court record: *Considerando* que el juez no sabe nada, ni el secretario tampoco, *Resuelve* que se archive estas expedientes. Publiquese. ("Whereas, since neither the judge nor the clerk knows anything, it is ordered that the case be dismissed.")

<sup>2</sup> Dr. Manuel Murillo, President of the Republic, State Papers of 1873.

the name and title of the country from the United States of Colombia to that of "The Republic of Colombia," thereby intending to convey the idea that a consolidated Republic had been substituted for a confederation of "sovereign states." But in order to place this point quite beyond dispute, a special clause was inserted which expressly denied the "sovereignty" of the particular states; and two of the most refractory states (Panama and Cundinamarca) were reduced to the condition of mere territorial dependencies, and governed by officers appointed by the President. The suffrage was restricted to a literary and property qualification; and the clergy, who had been disfranchised for more than twenty years, were readmitted to participation in the affairs of government. The presidential term was extended from two to six years; the judiciary was taken out of party politics by making the tenure of the judges for life, or during good behavior; the Roman Catholic was declared the national religion, although perfect freedom of conscience and worship was guaranteed to all; and the press was to be free when not "seditious" — to which end a national censorship was established.

Under this Constitution there have been no conflicting "sovereignties," fewer popular elections, and less public disorder. Until very recently, the country has enjoyed a season of comparative peace and prosperity; while the unification of power has made it easier to fulfil treaty obligations, and thus to avoid international complication and vexatious reclamations by foreigners. The marvel is that after so many disastrous experiments with the visionary and impracticable theories of the French democrats, Colombian statesmen did not sooner abandon those mischievous political heresies.

Nor do the three republics named afford exceptional

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examples of a rich and beautiful country brought to the brink of ruin and barbarism by a plethora of utopian "democracy." With some slight variations, the same scenes have been enacted in nearly all the Latin-American republics. Take the case of Guatemala, for instance. After the breaking up of the original federal Union of the five Central American states, each became an independent nation; that is to say, like Colombia, a loose confederation of petty prefectures called "sovereign states"; and when these corporations were not engaged fighting each other, the citizens of each were generally fighting amongst themselves. In Mexico there has been no general disintegration; but up to 1870 the political history of that country was little else than a record of ever-recurring internecine strifes, and the rapid and summary deposition of one president after another, with the usual alternations of anarchy and military rule. Fortunately Mexico is now past that experimental stage of Jeffersonism and is a prosperous country; and let us hope that there may be no relapse. Peru and Bolivia (two of the five Bolivian republics) have had similar experiences, and from similar causes. The Argentine Republic and the Republics of Uruguay and Paraguay have each suffered from what Aristotle would have called "degenerate democracy," and as a consequence have oftener been military despotisms than republics. In Chili there have been fewer "revolutions," fewer constitutional changes, and less public disorder. The reason is obvious. It is precisely in Chili where the gospel of French democracy never obtained much favor. The government, though representative, has never been even professedly democratic. The President is chosen for long terms, not by universal suffrage, but by a board of qualified electors. The judicial officers are appointed for life or during good behavior. The Deputies and

Senators are elected for terms of three and nine years. And the suffrage is restricted to citizens able to read and write, who, in addition, must be property owners.

Shall we then despair of republican government in Latin-America? By no means. Even if it be admitted that they were not prepared for self-government at the time of their emancipation, the question naturally arises: When or how, or under what circumstances, would they have ever become better fitted for it? Certainly not by remanding them to political slavery, as was proposed at the Congress of Verona in 1822. For, to borrow one of Macaulay's metaphors, a prisoner long accustomed to the darkness of his cell is naturally dazed and blinded when led out into the sunlight; but his blindness is certainly not cured by remanding him to his dungeon; he must become accustomed to the sunlight before he can appreciate and utilize it. So it is in self-government; there must be a beginning, and a succession of experiments. Each experiment will have its blunders; but it is only through repeated efforts that ultimate success is attainable. Moreover, good government is never made to order. It must grow; it must be evolved through the painful experiences of generations. Sooner or later, but in due course, public sentiment will grow up to higher and juster conceptions of civil and religious liberty, when there will be a readjustment of new standards and new relations. The visionary and impractical theories born of the first French Revolution, and transplanted to this continent by Jefferson and Santander, had to be given a fair trial. The trial is now over, and the experiment has taught the people of both hemispheres a wholesome lesson. Both have already entered upon a new era, and, let us hope, upon a new national life destined to fully demonstrate to the world the practicability of free representative government.

## CHAPTER XII

### SPANISH-AMERICAN "REVOLUTIONS"

**I**N its ordinary sense, the term revolution is understood as indicating a popular uprising against some form of absolutism, or some fundamental change in the form of government, usually brought about by violence. But in Latin-America, as we have seen, the word has an acquired local meaning. It is there employed to indicate almost every species and degree of public disorder, and is generally synonymous with our words riot and sedition. Every local or general tumult is dignified by the name of "revolution," and every dissatisfied politician is generally a "revolutionist."

Another distinction must be noted if we would obtain a clear conception of what is usually meant by a South American "revolution." In other parts of the world, revolutions generally originate with the masses. They begin at the bottom and work upward. But in South America they almost invariably originate with the few. They begin at the top and work downwards. In other countries, a successful revolution implies fundamental changes in the form of government; in South America they rarely imply anything more than a change of administration or a redistribution of the public offices. In other words, a South American "revolution" is rarely anything more than a disorderly and violent contention among selfish politicians. There is seldom any real issue involved. Even in exceptional instances,



there have been few resultant changes other than modifications in the fundamental or statutory law; the form of government has always remained republican, at least in name.

Nor can it be truthfully said that even these modifications and changes of the fundamental law have been along lines that were unrepublican in principle. In themselves considered, the laws are seldom essentially bad. The difficulty lies in their inadequate and unfaithful administration. Generally, there is no such thing as an independent judiciary; for, like every other department of government, the judiciary is inseparably allied with "machine politics," and therefore within the domain of the "spoils system." A judge is seldom chosen by reason of his learning, or his supposed fitness for the position; the position is sought for the man, not the man for the position. And as he holds his place by short and uncertain tenure, and must be careful not to offend the political "bosses," his opinion is worth little more than the whereases and resolves of a town meeting.

South American "revolutions" are either local or general. They are said to be local when the state or provincial offices are in dispute, and to be general when the federal offices are involved. In both cases, the pretext is usually some real or fancied irregularity at the polls, or some alleged failure of the federal administration to redeem its party pledges. In neither case are the masses in the least interested, for, as a rule, they care little or nothing about politics. They generally vote as they are directed by the "bosses," and are quite indifferent as to who shall fill the little offices. The commercial and financial classes are almost equally derelict. They seldom attend a primary, and rarely vote at a popular election. The whole machinery of

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government is abandoned to the professional politicians. The party managers or "bosses" usually get together and "fix up the slate," as we would say; a packed primary ratifies the arrangement, and this, in turn, is ratified by the form of an election at which perhaps less than ten per cent of the property holders ever attend or vote. Even on extraordinary occasions, when there is something like a full vote, there is rarely a fair count. The result is that the defeated candidate seldom acquiesces in the result.

He usually begins by issuing what he calls a "manifesto," wherein he charges irregularities and frauds at the election, sets forth his own and his friends' particular grievances, predicts the speedy downfall of the Republic unless these wrongs are summarily righted, and winds up with an impassioned appeal to the "patriotism" of the country. If he happens to be a man of ready tongue (and whoever saw a South American politician who was not?), he is apt to have a substantial following, and in due course will become the leader of an organized faction. He collects a few muskets and *machetes*,<sup>1</sup> assumes the title of "General," and very soon finds himself at the head of a little band of *guerillas* ready for business.

But inasmuch as he is always a "patriot," who, like the eccentric gentleman of La Manche, seeks only to right the wrongs of others, he considerably defers active hostilities till after his demands are formally made known to the existing government. As a result, a "peace conference" is usually appointed, made up of "plenipotentiaries" chosen by each party. Negotiations and protocols, propositions and counter-propositions, follow.

<sup>1</sup> The *machete* is a large heavy knife, from eighteen inches to two feet long; in peaceful times it is used as an axe or pruning blade, in war times as both sword and bayonet.

If these result in some satisfactory agreement, the "revolution" is declared off; the "outs" are in some way provided for, and the *peones* who constitute the rank and file of the insurgent force return, unpaid, to their humble abodes. If, however, the negotiations fail, then the fighting begins without further notice. And, in either case, the national Government dare not interfere. It must observe the strictest "neutrality." It cannot interpose even for the preservation of public order. Its only duty is to await the result of the "negotiation" or of the armed conflict, and then recognize the *de facto* local government as "the legitimate authority."

Such is the local "revolution." It may become general in a variety of ways. Some adjacent "sovereign state," member of the national Union, or the government of the Union itself, may fail to observe strict neutrality; or the quarrel over the state offices may have some indirect bearing upon the Presidential succession; or the balance of political power between the "sovereign states" may seem likely to be disturbed by it; or there may be some real or fancied interposition on the part of the national Government. Any one of these contingencies, not to enumerate others, may result in a "general revolution," which, if successful, is usually followed by an era of "constitutional reforms," and, if unsuccessful, by a period of military rule.

These "revolutions" have their comic as well as tragic side, and whether comic or tragic are always unique and peculiar to the country. Take the method of recruiting, for example. In none of the Spanish-American Republics, with possibly one or two exceptions, and these of very recent date, is there anything corresponding either to the militia system of the United States, or to the conscript system of Europe. The

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volunteer bounty system is likewise unknown. The standing army consists of a few skeleton regiments of ill-paid privates and hordes of generals and other commissioned officers, who are invariably politicians. They may resign whenever they like, for others are always ready to take their places. To fill up the rank and file as emergencies arise, the government relies entirely upon impressments. Recruiting officers scour the country, lasso in hand, or lie in wait for the simple-minded *aldeano* at the market places, and catch *peones* very much in the same manner that a Texas herdsman lassos his cattle. The "revolutionary" leader adopts the same method; and between the two, the docile and simple-minded Indian rarely escapes. Once caught and put into the army, he knows only obedience. He is easily drilled, and rarely fails to make a good soldier. He is stupidly indifferent to bodily danger, and will stand up and shoot and be shot at without flinching. If taken prisoner, he is at once enlisted in the ranks of his captors, and will fight quite as well there as he did on the other side. If he is killed while on the winning side, some show of provision is usually made for his family. If he falls while fighting on the losing side, his family are expected to make no complaint. If he survives the strife, he returns unpaid and half naked, but quietly and peaceably, to his humble home, never seeming to realize that he has been badly treated. Almost any other human being, in any other country, would, under like circumstances, become an outlaw and a desperado. But the native Indian of the Andes accepts his hard lot without even an audible murmur.

Nor is he the only victim of the disorders incident to these perennial "revolutions." Take the usual "war contribution," for example, which is, of course, only a polite name for robbery. When horses, mules, sad-

dles, blankets, cattle, and provisions are wanted they are seized without leave or ceremony; the pretext being either "military necessity" or alleged "sympathy" by the victim with the enemy. If the sufferer can establish his "neutrality," he may obtain some kind of a voucher, though often of very remote and uncertain value. If the seizure is made by the successful party in the contest, there may be a small but long delayed indemnity; if made by the unsuccessful party, compensation is never expected. Resident and transient foreigners, who are wise and prudent enough to preserve an attitude of strict neutrality, are seldom disturbed. Generally their property rights are respected by both factions; and when this is not the case, and their claims are properly presented, compensation, or at least the promise of it, is usually made when peace is restored. But, unhappily, amid the exciting scenes of disorder, resident foreigners sometimes have opinions of their own, and are apt to express them; and when this is not the case their very silence may be construed into covert hostility to one or the other faction. In any case, there is always a batch of foreign reclamations to be adjusted, many of which are not only inequitable but manifestly fraudulent; and to sift the good from the bad, generally becomes the duty of an arbitral Commission, appointed by the two governments.

The forced loan, or *emprestito*, as it is called in the language of the country, is a still more serious matter. It is a favorite scheme of both sides for raising ready money, and if a citizen is reputed to be wealthy, his chances of escape are very narrow. His first assessment may range anywhere from five to thirty thousand dollars, according to his supposed ability to pay; and this is liable to be duplicated many times over before

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the war closes. The exaction is almost certain to be repeated by the adverse faction whenever it gets the person assessed in its power; for the very fact of his compliance with the first demand, however reluctant, becomes a convenient pretext for assessing him as "a sympathizer" with the enemy.

The person assessed is generally allowed a reasonable length of time in which to raise the money, nor will he be imprisoned or maltreated so long as he shows a disposition to pay. But if he tries to evade payment, or if payment be unreasonably delayed, off to jail he goes without ceremony or trial. If, in order to avoid imprisonment, he conceals himself or flees from the country, his property, real or personal or both, is seized and sold to satisfy the assessment. If, to avoid arrest and imprisonment, he shuts himself up in his residence and claims the inviolability of private domicile as guaranteed by the Constitution and laws of the country, he soon discovers his mistake. An armed squad of soldiers will be stationed at the doors and windows of his dwelling, and both he and his family made prisoners in their own house. All egress or ingress is rigidly prohibited. Not even a servant or the family physician is permitted to pass in or out. Of course it is only a question of time when the whole family is starved into capitulation.

It is a very common thing in such times for wealthy natives to seek asylum in one of the foreign legations; and in some cases this has been incautiously granted, even by American ministers. Of course such action on the part of a foreign representative is wholly indefensible. It accords neither with the traditions of our own government nor with modern international law. Asylum can be given only in cases where life, not property, is in imminent peril; and then only during an exceptional emergency. The moment the emergency is past, the

right of asylum ceases. And yet we once came perilously near getting into a disgraceful war with one of the South American Republics because our President, who was a candidate for re-election, sustained the resident minister in his unwarrantable action in opening the legation to natives who sought merely to save their property.

It sometimes happens, as I have intimated, that these ever-recurring public disorders rise to the dignity of real revolutions in which vital principles are involved. Thus the Revolution of 1860, in Colombia, although originating in personal ambition, terminated in a radical change of the constitution. Church and state were separated, and perfect freedom of conscience was guaranteed. But the reform was too radical, and too far in advance of public sentiment, to be permanent. It was, besides, too proscriptive to be in harmony with its professed object, which was the complete political equality of all classes and conditions of men. The masses were flattered by the idea of an omnipotent democracy; but they could not quite understand why all ecclesiastics should be indiscriminately disfranchised as a class. The masses had always been taught to reverence the Church, and could see no necessity for its humiliation. At first they were not disposed to complain, possibly because they did not fully realize the significance of the change. But gradually it began to dawn upon them that the Church which they loved so well was being treated as an alien enemy. Taught as they had been to regard the marriage contract as a religious sacrament, they could not understand why a nuptial ceremony performed by the parish priest should be held a nullity by the civic authorities. Hence it usually required two ceremonies to satisfy the scruples of the contracting parties,—one by the priest to meet the wishes of the bride and her

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family, and another by the civil magistrate to satisfy the requirements of the municipal law.

Another source of discontent was the system of public instruction by the state. The new constitution provided for the establishment of public schools in which the teaching of all forms of religious faith was practically prohibited. Very soon the clergy, backed by a latent public sentiment, began to denounce these schools as "nurseries of infidelity" and "seminaries of the devil"; and finally attendance was forbidden on pain of excommunication. When it became manifest to the politicians that some compromise would have to be made with the Church, it was agreed that the public schools should be open one hour daily for religious instruction, to be conducted by some accredited priest. This arrangement worked very well for a while, but other and more serious demands soon followed. The clergy, who had been steadily regaining influence, now objected to a certain class of text-books which had been introduced into the schools, and to the generally irreligious character of the teachers. They complained, besides, that the one hour daily set aside for religious instruction was wholly insufficient. Finally, some of the bishops boldly demanded that all public schools in their respective dioceses be placed under the general supervision of the Church. This demand was refused, and the general revolt of 1876 followed.

In that short but destructive civil war the government won, but it was a physical triumph only. It lacked the support of a vigorous and healthy public sentiment. Peace had hardly been declared before factions began to arise among the victors; and these soon developed into well-organized political parties. The Church party were shrewd enough to make a show of disbanding as a political organization, but held themselves in readiness



to affiliate with whatever faction might be in a position to offer the best terms. Their opportunity soon came. The federal Congress passed a law, of very doubtful constitutionality, authorizing the President to interpose the authority of the federal government "for the conservation of public order" in certain states or provinces; and when, in accordance with this provision, the President sent some troops to quell a riot in the state of Santander, the whole state rose in revolt. In the civil war which followed, the Church party affiliated with the national government. The result was a signal triumph by the government party. Then came the era of reconstruction. A new constitution was adopted, which abolished the dogma of "state sovereignty," restored the clergy to their former privileges of the ballot, lengthened official tenures, restricted the suffrage, made the judiciary permanent, and converted a loose confederation of "sovereign states" into a consolidated Republic.

( The Revolution of 1870, in Venezuela, had a similar origin, and, in some respects, a similar outcome. It originated in mere personal ambition but ended in a change of constitution, and practically in a new form of government, though still republican in name. The President, though nominally an elective chief magistrate responsible to the people, was in reality an autocrat with more power than an Eastern despot. The federal Congress was composed of two Senators from each of the nine constituent states, and one delegate for every 30,000 inhabitants, supposed to have been elected by the people; but no Senator or Delegate ever took his seat or long retained his place, who was not agreeable to the Dictator-President or a willing instrument in his hands.

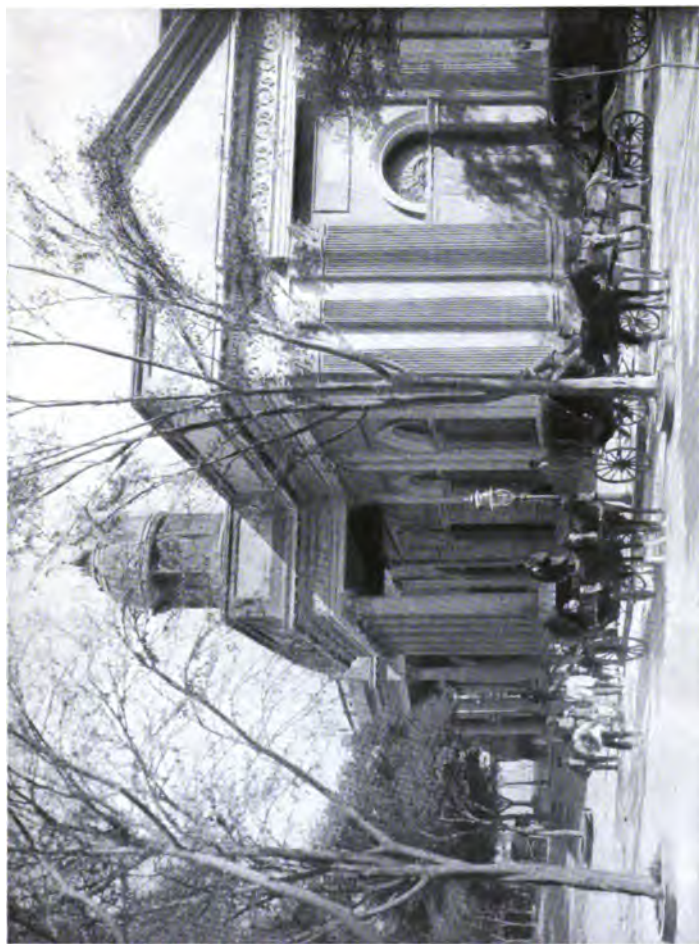
## CHAPTER XIII

### RIGHTS OF FOREIGNERS IN SOUTH AMERICA

**A**MIDST the oft-recurring scenes of disorder and violence such as described in the preceding chapter, it is sometimes difficult to determine how far a friendly government is justified in interposing its authority for the protection of the persons and property of its citizens transient or domiciled in those countries. Hitherto the government of the United States has been seldom able to fully satisfy its citizens on this point, even when those who invoked its protection were legally entitled to it; and it has been still less able to satisfy a hysterical public sentiment stimulated by a class of so-called "citizens" whose right to invoke its power in their behalf is, to say the least, extremely doubtful.

When a person presents himself at one of our legations or consulates and claims protection as an American citizen, the first thing to be determined is whether he is really a citizen; and this is often a much more difficult problem than is generally supposed. Of course I employ the term "citizen" in its generally accepted sense as describing a person of either sex, and of whatever condition, who owes allegiance to our government, and is entitled to its protection abroad.

By the old English common law, the basis of our jurisprudence, a native-born subject or citizen, of whatever class, owed an allegiance that was intrinsic, per-



FEDERAL PALACE, CARACAS



petual, and indestructible. It could not be divested by any act of his own, nor even by the act of his sovereign; nor was it in the power of any foreign state, by adopting or employing him, to dissolve the bond of his native allegiance. This slavish doctrine, one of the relics of the feudal ages, is now happily faded out of existence. But it was not abandoned by Great Britain until the year 1814, when prisoners of war, claimed as British subjects and taken in the service of the United States, were unconditionally exchanged. Indeed, it was not formally and explicitly abandoned until fifty-six years later, when, in 1870, Parliament passed an Act declaring that a British subject ceases to be such on becoming duly naturalized in some foreign state.

Our first attempt at a constitutional definition of the term "citizen" occurs in the amended Article XIV., adopted July 28, 1868, wherein it is declared that, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state in which they reside." Up to that time, we searched in vain for some clear and authentic definition of the phrase "citizen of the United States." It could be found neither in our legislative annals nor in our judicial decisions, nor in the consentaneous action of any two of the three co-ordinate departments of the government. In its elements and its details, citizenship of the United States was as little understood, and as much open to speculative criticism, in 1861 as it was at the foundation of the government. For about eighty years we had enjoyed the practical benefits of a national citizenship without knowing precisely what it was. Experience had taught us neither the exact meaning of the term nor any very clear conception of the thing itself. In fact, we had practically denied its existence, while yet enjoying its benefits at

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home and demanding the protection incident to it abroad. Thus Jefferson and his political disciples had strenuously maintained that, in a strictly legal sense, there was not and could not be any such thing as citizenship of the United States; that a person could be a citizen of the United States, only as he was such incidentally by reason of his being a citizen of some particular state of the Union; and consequently, that a person born and residing in the District of Columbia or other territory of the Union, although *in* the United States and subject to its jurisdiction, was not a citizen of the United States! And grotesque and absurd as this proposition now seems, it had been indirectly confirmed by a decision of the federal Supreme Court.<sup>1</sup> Even to this day, there are those who believe, or affect to believe, that Article XIV. of our Constitution was merely intended to make citizens of African freedmen; that its provisions were partisan measures, incident to and consequent upon the old slavery question; and that the true interpretation of the Constitution is still along the lines of the Jeffersonian theories of a century ago! The truth is, however, that, although African slavery was the occasion, it was not the cause either of the civil war or the amended Article XIV. which followed. The real issue of that war was the integrity of the federal Union, the supremacy of the central government, as against the assumed right of a particular state to secede from the Union, or to nullify the authority of the nation over its citizens.

The provisions of Article XIV., therefore, reach, and were intended to reach, far beyond the incidents and consequences of the slavery question. They eradicate, as they were intended to eradicate, completely and forever, a pernicious political heresy which had vexed

<sup>1</sup> In the celebrated *Dred Scott* case.

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us with doubts, and had periodically threatened our national existence. They establish a citizenship of the United States that is wholly independent of local or state citizenship, — thus completely reversing the Jeffersonian theory. For a person may now be a citizen of the United States without being a citizen of any particular state in the Union; but no one can become a citizen of any particular state without becoming a citizen of the United States. A citizen of the United States must “reside” in a particular state in order to become a citizen thereof; but in order to be a citizen of the United States, it is only necessary to have been born or naturalized anywhere within our national domain and jurisdiction.

Another test of nationality, usually adopted by commercial nations, is that by the nationality of the father. In the Latin-American states the nationality of the mother fixes the nationality of the child born abroad or on the high seas. But the principle is the same in both cases. “By the law of nations,” says Vattel, “children follow the condition of their fathers, and enter into all their rights. The place of birth cannot, therefore, *in itself*, produce any change in this particular, nor furnish any valid reason for taking from a child what nature has given him.” But, in adopting this rule our government made it a condition that the “rights of citizenship shall not descend to persons whose fathers never resided in the United States.”<sup>1</sup> Nor has our government ever strenuously insisted upon the allegiance of persons born of American parents in countries whose fundamental laws make the place of birth the sole test of nationality, at least so long as they remain *in* the country of their nativity. Thus by

<sup>1</sup> Act of Congress, Feb. 10, 1855, which, however, is merely an affirmation of the old English common law.

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the Colombian constitution all persons born in Colombia are Colombians; whereas, a person born there of American parents is by our law a citizen of the United States. But, so long as such citizen is voluntarily domiciled in Colombia, we do not claim his allegiance as against that country. If, however, he passes out into Venezuela, for example, or into some country other than Colombia, we claim his allegiance and award to him the corresponding protection.

This is right, in principle at least. For it is manifest that the adoption of the test of nationality by the nationality of the parent, even in this modified form, logically requires the abandonment in a corresponding degree of the test by place of birth. Hence, in order to avoid possible conflict, our law of April 9, 1866, generally known as "the Civil Rights Bill," in declaring to be citizens "all persons born in the United States," adds the proviso that they be "not subject to any foreign power." Substantially the same principle prevails in the laws of both England and France. The English law, like our own, lays chief stress on the place of birth; while in France, the father's nationality usually, though not always, determines the nationality of the child.

It is sometimes important to know how or under what circumstances a citizen of the United States may be deemed to have changed his allegiance; but, more particularly, how or under what circumstances a naturalized citizen of the United States may be deemed exempt from obligations resulting from his former allegiance. These questions are constantly coming up for consideration in the administration of our foreign affairs. For although most European countries have either totally abandoned or greatly modified the old feudal doctrine of indelible allegiance, there are still



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conflicting theories of expatriation. Thus, while, by our law of July 27, 1868, expatriation is declared to be "a natural and inherent right of all people," by the laws of some other countries an emigrant incurs loss of civil rights in his native country, and (should he return) certain penal consequences, if the emigration took place without permission of the government.

Again, there are still as many as four general systems of naturalization, and some of these are more or less conflicting. First, that by continuous residence for a stated period, renunciation of native allegiance, and oath of allegiance to the adopted country, as in the United States. Second, that by employment in the public service, residence for a stated period, oath of allegiance, and certificate issued at the discretion of a cabinet minister, as in England. Third, that by employment in the public service or certificate from the government, as in Prussia. And, fourth, that by residence for a stated period and certificate from the government, without oath of allegiance, as in France. And, in addition to these general systems, there are exceptional methods of naturalization; as, for instance, in the United States, by military or naval service, coupled with one year's residence; or, as in England, by two years' actual service in the navy in time of war. Some of these conflicting theories have been partially reconciled by treaty; but there still remains sufficient diversity to give rise to ever-recurring disputes as to whether a naturalized citizen of the United States, on returning to the country of his native allegiance, is justly entitled to the protection of our government while there.

To become a citizen of the United States, a foreigner must reside at least five consecutive years in the country; and, two years before applying for a certificate of

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naturalization, he must file a preliminary declaration of intention to become a citizen. In addition to this, he must take an oath abjuring all former allegiance and promising to support the Constitution of the United States. Before his final admission, he must prove, by at least two trustworthy *citizens* of the United States, that his residence of five years in the country has been continuous; and he must also satisfy the court admitting him that, during this time, he has behaved himself as "a man of good moral character," attached to the principles of our Constitution, and "well disposed to the good order of the government." Finally, the country of his former allegiance must be at peace with the United States at the time of his admission, for a subject or citizen of a belligerent cannot transfer his allegiance.

The incongruity in our existing legislation on this subject is, that it clothes petty local municipal and state courts with authority to grant certificates of naturalization. The judges of these tribunals, usually elected for short terms by universal suffrage, are not sufficiently removed from the influences of ward politics or local "bossism" to be independent. The result is that naturalization frauds have become the rule rather than the exception. To remedy this, our national or federal courts ought to have as exclusive jurisdiction in all matters pertaining to the naturalization of foreigners, as is the power of Congress to legislate upon the subject.

When an alien has fully complied with all the conditions named, and received his certificate of naturalization in due form, he is of course no longer a foreigner, but a free citizen of the United States. And so long as he remains *in* the country he is entitled to all the privileges and immunities of a native-born citizen. But it does not necessarily follow that he is on a footing of

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equality with the native-born citizen while *outside* the territory and jurisdiction of the United States; for if he visits the country of his former allegiance, the protection to be awarded him therein by our government becomes complicated with other questions of natural rights which no civilized government can afford to disregard. Certainly his change of allegiance does not discharge him from obligations and penalties which he may have incurred *before* emigration. These remain; nor is it in the power of the government of his new allegiance to absolve him from them. Hence he cannot be said to carry with him abroad all those rights and immunities which are the heritage of every native-born American citizen.

There is a very common error of opinion on this point; and, much to our discredit, this error has been incorporated in a law of Congress. I allude, of course, to the Act of June 27, 1868, generally known as the "Expatriation Act" (already cited), which declares "the right of expatriation" to be "a natural and inherent one of all people" (meaning peoples); and it then proceeds to declare that "all naturalized citizens of the United States, while in foreign countries, are entitled to, and shall receive from this government, the same protection of person and property which is accorded to native-born citizens."

The inaccuracy of these declarations is manifest. In the first place, while the Act gratuitously assumes to speak for the whole human race, it omits to say how or under what circumstances this "inherent right" of all peoples may be exercised by American citizens. It fails to define "expatriation," or to say what is essential to its full attainment, or what shall be the evidence of its accomplishment. In the next place, the declaration that all naturalized citizens, while in the country of their

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former allegiance, are entitled to the same protection as native-born citizens of the United States, is grotesquely absurd. It is not in the power of Congress to change the law of nations; nor can that body legislate for peoples outside the jurisdiction of the United States. The Act is therefore nothing more than a gratuitous expression of opinion, and is not binding upon the President, who is charged by our Constitution with the administration of our foreign affairs. No one questions the right of a government to denationalize its own citizens; no one questions the right of a government to enforce within its own jurisdiction such laws as it pleases to make touching the naturalization of aliens; but it has no authority to make a law binding upon other nations further than they may assent to it by treaty, or further than it may be in accord with established international usage. True, every free state may now legislate on the subject of expatriation and naturalization without inquiry as to the pleasure of other free states; for the assent of the emigrant's native country to his change of residence is no longer deemed necessary by the country of his adoption. But if the emigrant deserted the army or navy of his native country, or if after having been conscripted he emigrated in order to escape service, or if he betrayed some public trust or committed some penal offence *before* emigrating, it will hardly be contended that his change of citizenship extinguishes his obligations or satisfies the legal penalties of his conduct. So long as he remains *in* the United States it is discretionary with our government to give him up or retain him; but the moment he voluntarily passes beyond our jurisdiction and enters that of his former allegiance, that discretion ends. He must then accept the consequences of his own act. These principles are so generally conceded in all our public treatises on the subject, and are

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so generally recognized by all civilized nations even in the absence of treaty stipulations, that they are no longer matters of dispute.

The records in our State Department show that in nearly every instance where our government has been accused of failure to protect its adopted citizens abroad, the alleged victim was either a person of doubtful nationality, or had incurred obligations under a former allegiance that were not extinguished by his change of citizenship. And yet it is precisely this class of so-called "citizens" who are the most importunate in their demands for protection abroad, who are the readiest to make complaint if their unreasonable demands are not instantly complied with, and who by misrepresentation and falsehood, or through the ignorance or inexperience of the minister or consul, sometimes succeed either in placing our government in an untenable position abroad, or in creating a senseless clamor at home.

Under our existing legislation there is no adequate remedy for these abuses. It is true that our State Department has uniformly held that where, by the laws of their native country, these pseudo-American "citizens" were never expatriated by being naturalized in the United States, or where they assume duties or perform acts compatible with their former allegiance and incompatible with their acquired citizenship, they must be deemed to have absolved our government from all obligation to protect them. But this is precisely what seldom happens. By our treaties with most European countries, and by the laws of all the Spanish-American states, expatriation is accomplished when naturalization takes place; and since it is the primary object of these persons to shirk the duties and obligations of citizenship in both countries, they are generally very careful not to leave room for an inference of intention

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to resume their former allegiance. And so it comes about that while living beyond the jurisdiction of our government, without ever having really identified themselves with it, without ever having contributed anything to its support, and often without being able to speak our language, they successfully invoke the power of our government in furtherance of their selfish and dishonest purposes.

An efficient remedy for this common evil is possible only in some well-digested scheme of legislation. There ought to be some clear and explicit declaration by Congress of the conditions under which citizens of the United States shall be deemed to have expatriated themselves; and it is equally important that, when a person presents himself at our legations and consulates, and demands protection on the plea that he is an adopted citizen of the United States, he should be required to produce some more conclusive evidence of his right to claim it than that afforded by a mere certificate of some petty municipal magistrate or county court judge.

The nationality of married women has been another source of international dispute. We have no law defining the status of American women married to aliens; and in every country except where the old English common law prevails, the nationality of a woman on marriage merges into that of her husband. She loses her own nationality and acquires his. And this rule now prevails even in England, the common-law rule having been superseded by the statute of 1870. But in the United States the old common-law rule still prevails. A foreign woman married to an American citizen acquires her husband's nationality, while an American woman married to a foreigner retains her own. Living with her husband abroad, even in the country of his

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allegiance, she is nevertheless technically a citizen of the United States. She may have acquired her husband's nationality, but she does not thereby necessarily lose her own. She thus owes a dual allegiance, and our law is powerless to relieve her of possible embarrassment.

True, it has been said that Article XIV. of the Constitution, and the so-called "Expatriation Act" of Congress, already referred to, change the common-law rule. But this is at least doubtful. The Expatriation Act merely asserts the abstract "right" of expatriation; it does not go beyond this and point out how this "right" may be converted into a fact. It is also true that an American woman married to an alien and living in her husband's country is beyond the jurisdiction of the United States; and this, under the provisions of Article XIV., has been supposed to deprive her of American citizenship. But our male citizens reside abroad for purposes of business or pleasure without thereby losing their nationality, and the rule is supposed to be of uniform application to all citizens, male and female. Both owe a temporary and qualified allegiance to the country of their residence; but if the one does not thereby forfeit the right to claim protection by our government, why should the other? Manifestly, the old common-law rule is still in force; and if it be desirable to place ourselves in accord with other nations on this point, there is but one way to do it, namely, by an Act of Congress repealing the common-law rule and making the nationality of the wife to follow that of her husband, and to change as he changes his. And if this should cause American women to be a little cautious about contracting matrimonial alliances with titled and impecunious foreigners, perhaps that might be urged as an additional reason in its favor.

The average North American, living in a large coun-

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try and accustomed to go where he pleases unchallenged by provost marshal or military sentinel, has a natural aversion to anything like a passport. He seems to take it for granted that he will have the same liberty abroad that he enjoys at home; and that, if he should happen to get into trouble, our ministers and consuls will have no difficulty in accepting his *ex-parte* statement that he is an American citizen. Hence he cannot see the necessity of carrying a passport issued from the State Department. But while such a passport may not be a necessity, it is always a very great convenience, and it may save him much annoyance. A passport is the highest evidence of his nationality, especially when properly *viséd* by the consul at the port of disembarkation. In Spanish-America, where travel is generally free and unrestricted, he will rarely have occasion to use it, except in time of "revolution." But he will certainly need it then; and since "revolutions" are liable to occur at any time, he should never visit those countries without a passport.

Passports can be issued at home only by the Secretary of State, and in a foreign country only by the accredited diplomatic representative. A passport issued by the government of any one of our states is simply worthless. Even a consul-general or consul has no authority to issue a passport, except in countries where we have no diplomatic representative; and a mere certificate of citizenship, whether given by a minister or consul, is irregular and invalid. The passport must be in regular form, and can be issued only to *bona fide* citizens. A mere declaration of intention by an alien to become a citizen, although made in good faith, and under due form before a competent tribunal, even after the requisite five years' residence, does not make him a citizen. He must have been regularly admitted, and



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that fact must be duly certified by the judge of the court which admitted him, before he is entitled to a passport as a citizen of the United States. A passport is good for two years only. It then expires by limitation. But on presentation at any of our legations abroad it will be taken up and a new one for two years more issued by the minister. If the citizen neglects to take out a passport in the United States, he can always get one at any of our legations, provided he can satisfy the minister that he is a *bona fide* citizen of the United States, and therefore entitled to it. But this is always more difficult than it is to identify himself at home; consequently it is always the safer and better plan to procure a passport before embarking for a foreign country.

## CHAPTER XIV

### COLOMBIA AND ITS POSSIBILITIES

**T**HE present Republic of Colombia is bounded on the northwest by the Caribbean sea and the free state of Costa Rica; south and southeast by Peru, Ecuador, Brazil, and Venezuela; and west by the Pacific ocean. We thus outline an irregular-shaped area of more than 500,000 square miles, which extends from the equator northward to a little beyond the 12th parallel, and from the 7th to the 82d meridian, comprising a country larger than France and Italy combined.

The Caribbean coast line is about 1,400 miles; that on the Pacific nearly 2,000. Both are marked by numerous inlets, bays, and gulfs, and have many deep and commodious harbors; and both are contiguous to a number of beautiful and fertile islands which constitute part of the national domain. Very few of these islands are as yet inhabited; and perhaps it is safe to say that less than one quarter of the area of the mainland is occupied by actual settlers.

The topographical features of the country are varied and interesting. There are ranges of high mountains, broad and deep valleys, rolling steppes, elevated plains, icy *paramos*, and snow-capped sierras, — all interspersed with great rivers, fresh-water lakes, and rapidly running streams. In the language of Baron Humboldt, the tourist needs but a “thermometer and a mule” to find any

climate within the compass of a few leagues. When he tires of the torrid heats of the deep valleys, the frozen regions of the sierras are just in sight. When he has had enough of perpetual spring on the tablelands, he can, by a few hours' ride, readily find autumn on the steppes above, or summer in the valleys below.

The most extensive and fertile of the numerous tablelands are those of Pasto, Popayan, and Tuquerres, in the department of the Cauca; Santa Rosa and Herveo, in the department of Antioquia; Bogotá, Ubaté, and Simajaca, in Cundinamarca; Sogamoso, Tunja, and Chiquinquirá, in Boyaca; and Pamplona and Jerido, in Santander. The temperature on all these plateaux is that of perpetual spring, and the soil is exceptionally fertile. Two and three crops may be easily raised on the same ground within the year, and the planting and the harvest season may be in almost any month of the twelve.

The great prairies, or *llanos* as they are known in the language of the country, are generally eastward of the cordillera of Sumapaz, and extend to the borders of northern Brazil and southwestern Venezuela. They are vast, treeless regions, but generally well watered and thickly matted with perennial grasses which afford excellent pasturage. The soil is a black loam of immense depth, and needs but little cultivation to be even more productive than the plains of Louisiana and Texas.

The great forests of the Republic occupy the valleys of the rivers, the coves of the mountain ranges, and the rolling steppes southeastward of the prairies. Many of these forests are so dense as to be almost impenetrable; but nearly all of them, at least so far as they have been explored, abound with every variety and species of cabinet and dye woods, and every medicinal plant known to

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modern science. The dense groves of bamboo alone would be a source of great wealth in countries where, as in China and Japan, that picturesque and beautiful plant is so extensively utilized in the arts and also as an article of food.

The geologic formation of the country is generally igneous and metamorphic, except where it is purely alluvial, as in the deltas and valleys of the great rivers. The masses of the cordilleras are granite, gneiss, porphyry, and basalt. In many localities there are thick carboniferous strata which often crop out to the very surface, but are so generally broken and distorted by volcanic action as to be difficult to trace. In some places these volcanic disturbances appear to have been of comparatively recent date; in others the subterranean forces are still actively at work, as for instance near Sogamosa and Villeté, where the heat is so great as to sensibly affect the climate. Deep gravel beds of glacial origin are seen on the sides and foot-hills of many of the high mountain ranges, and in some parts of the Sierra Nevadas, as, for instance, at San Rúiz and Tolima, the frozen drifts are still doing their silent work.

In some places, the larger rivers of the interior seem to have cut their way through whole mountain ranges, as, for instance, near Tunja and Vélez, and also on the western verge of the plateau of Bogotá. At Tunja and Vélez, the Sogamosa river appears to have become the outlet of a series of highland lakes which must have existed up to within a comparatively recent geologic period. And so also at Tequendama, twenty-eight miles from the national capital, where there is every indication that the rupture of the mountain was an event of perhaps less than ten centuries ago. Here the waters of the plain break through a deep and narrow fissure, plunge over a precipice more than 650 feet high, and

thence descend in a series of smaller cataracts to a deep caño in the torrid plains of Anapoime and Tocaime.

I have already had occasion to refer to some of the principal rivers of the isthmus.<sup>1</sup> Besides these, however, mention should be made of the Bayano (or Chepo, as it is perhaps more frequently called), which flows into the great shallow Bay of Panama; the Darien, or San Miguel, which flows into the gulf of the same name; and also the San Juan, which has its outlet in another part of the Gulf of Darien. On the Atlantic or Caribbean side, the principal river is the Atrato, which, after a course of some 300 miles, flows into the gulf of Urába. At Quibdo, some 220 miles from its mouth, the Atrato is more than 850 feet wide, and from eight to twenty feet deep. Thence upward, some 32 miles to San Pablo, the rise of the current averages only about  $3\frac{1}{2}$  inches to the mile, and light draught steamers may ascend with little difficulty. The impression which one receives while exploring this valley is that it was once, and at no very remote period, an estuary of the sea, the waters of which broke upon the foot of the cordillera; and the fossiliferous rocks near the headwaters of the Tuya, on the opposite side, seem to indicate that, not a great many centuries ago, the whole country was submerged by the Pacific ocean.

The fact is generally overlooked that the great Amazon river waters Colombian soil for a distance of nearly 600 miles, and forms, in part, the boundary line (or what is claimed to be such) between Colombia and Brazil, and likewise between Colombia and Venezuela. And it is, perhaps, as generally overlooked (except by the British authorities in Guiana) that the great Orinoco and its affluents are navigable far into the southeastern plains and valleys of Colombia; and that the possession

<sup>1</sup> In Chapter I.

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of that fluviatile highway means easy approach, not only to central and southeastern Venezuela, but to a portion of Colombian territory as large as the states of Virginia and Ohio combined.

The territory of Colombia is peculiarly rich in minerals. From the borders of Costa Rica to those of Venezuela, there is hardly a department, or even a petty prefecture, in which gold has not been discovered in greater or less quantities; while in the remote interior departments and prefectures of Choco, Antioquia, Tolima, Mariquita, Popayan, Ocaña, and Bucaramanga, there are gold deposits which experts have pronounced to be equal if not superior to those of California forty years ago. Small diamonds have been found in many localities, and in others sulphate of mercury is known to be abundant. There are several, as yet only partially developed, silver mines; and the great coal-beds near Cali are said to extend beyond the western cordillera to within a few miles of the Pacific shore. Veins of bituminous coal and rich iron ores crop out to the very surface around the edges of the plain of Bogotá; and the same is true of Pacho, some leagues beyond. Near Rio Hache, on the Caribbean coast, are apparently inexhaustible beds of the best cannel coal. Rock salt abounds in the foot-hills around the plateaux of Bogotá, Tunja, Pamplona, and Tuquerres. Sulphur, alum, magnesia, and asphaltum are found in various places. The great emerald mines of Muzo are famous the world over.

In those parts of the Republic where the altitude is from two to four thousand feet, the coffee plant is indigenous. The celebrated Chimbi estates, in the remote interior of Cundinamarca, are said to produce the most delicately flavored coffee in the world. None of this, however, nor in fact any of the better grades of Colombian coffee, ever finds its way to the United States. It

is always bought up early in the season, sometimes long before harvest, for the European markets. In the *tierras calientes*, or "hot districts," cacao, bananas, yucca, arracaha, sugar-cane, indigo, tobacco, vanilla, and rice are among the staple products; while in the intermediate regions wheat, barley, oats, potatoes, and many of the other cereals and vegetables common in the north temperate zone are successfully cultivated.

Within a single day's journey one may find the four seasons, and all the vegetable peculiarities of the three zones. In the deep valleys are all varieties of the tropical flora, and the sugar-cane and plantain are indigenous. On the elevated plateaux we find maize, wheat, potatoes, peaches, pears, and the other products of the temperate zone. On the bleak *paramos* we find the wild potato<sup>1</sup> and nearly all the coarse grasses and stunted shrubs commonly seen in the high latitudes of the north. And farther up, we rarely fail to find the flora of the Arctic region.

In the vicinity of Popayan we see the cinchona growing to perfection; higher up, at an altitude of 9,000 feet, are wax palms of enormous height; and still farther up, on the sides of the great frozen mountains, are the cedar and the balsam. In the lower valleys, the sugar-cane will continue in good condition without replanting once in a generation. In the region of Gachala the *quinquina* tree is indigenous; and near by is the vegetable wax of southern Asia. In many parts of the country the *arraçao* is a common growth, — a tree which yields an exceptionally brilliant rose-colored dye, which, when mixed with the juice of the yucca, becomes a glossy black. The so-called "sweet-milk tree," or *leche miel* (*Lac melles adulis*), grows abundantly near Medina, the bark of which exudes a milk-like fluid utilized by the

<sup>1</sup> A species of the so-called "Irish potato," a native of the Andes.

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Indians as an article of food. In many parts of the interior districts, the *currucai* (*Isica heteroplicta*) is a common growth. It yields a rosin that is very white, aromatic, and rich in turpentine; and when heated over a fire, becomes a brilliant paste, similar in appearance to Burgundy pitch. On the banks of the Gazcuta River grows a tree called the *necha* (a species of the *Fevilla tarrillo*), the exudations of which are used in the successful treatment of cancers and tumors. The sarsaparilla (*Smilax officinalis*) is found in great abundance at altitudes of from one to three thousand feet.

The fauna of Colombia is no less interesting. Among the native animals, we find the puma, jaguar, sloth, armadillo, cavy, tapir, and many varieties of monkeys,—nearly all, in fact, except the catarrhine species of southern Asia. In some regions, especially about the mountain coves on the outskirts of the plateaux, the red deer is not unusual. Black bears abound in many of the cordilleras. The tiger is found in many of the jungles of the lower valleys; and a large species of wild cat and panther inhabit the forests and jungles of the Magdalena and the Meta. The condor, or Andean eagle, is usually seen only at considerable altitudes. The polyborus (known in Venezuela as the *caracádra*) is often seen about Guaduas, Ubaque, and Fusugasuga. Parrots of all varieties abound everywhere below altitudes of four and five thousand feet. In the valleys of nearly all the great rivers, but more particularly in that of the Meta, is a species of boa-constrictor similar to the great boa of India; and in some of the torrid districts are every species and variety of serpent life known in tropical Asia. But I do not now remember ever to have seen a common snake in localities of over 7,000 feet altitude, or a black scorpion or a centipede at an altitude of more than four or five thousand feet above sea-level.



Such is the country as nature has made it,—picturesque, beautiful, and exceedingly rich and varied in undeveloped resources. As yet, man has done very little for it, the greater part being still unbroken wilderness. Even in its most populous and civilized districts, as, for instance, on the great plateaux of Bogotá and Tunja, agriculture is still in a very primitive state, the chief rural industry being cattle-breeding. The immense coal and iron beds have hardly been disturbed at all; and although there is an abundance of exceptionally fine water-power, there are almost no manufactories. With gold and silver mines, richer and more numerous than those of California or New Mexico, the average annual product of gold has been little more than \$2,500,000 during the past twenty-five years, while the average annual product of silver, during the same time, has been less than \$1,200,000. The richest mines are in the remote interior, difficult of access, and without means of transportation; consequently few or none of them have as yet been worked by modern machinery. But, despite these disadvantages, less than half a century ago, before the gold discoveries on our Pacific slope, Colombia was the first but one of all the gold-producing countries on the continent; and it has been said, perhaps a little metaphorically, by a native writer, that “in Colombia one walks on gold, lives without effort on the indigenous products of the soil, and is never anxious about a place in which to sleep.” Be this as it may, there is only wanting labor and capital, a stable government, scientific appliances, and facilities for rapid and cheap inland transportation, to make Colombia one of the most productive countries, as well as one of the most desirable for residence, on the continent.

The commercial possibilities of the country are almost incalculable; and the time is probably not very remote

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when this fact will be more fully realized by the great commercial powers of the world. As it is, Colombia's highest aggregate of exports, during any one of the ten years from 1881 to 1891, never exceeded \$16,500,000 in our currency, while the highest aggregate of imports, during any one year of the same period, was not more than \$15,000,000. The reason of this is obvious. There are almost no means of interior transportation. Indeed, aside from what is afforded by the navigation of a few of the principal rivers, there are absolutely none. There are not more than a hundred miles of regularly operated railway in the whole Republic, even including the forty-seven miles across the isthmus. The entire transportation in the interior is by pack mules and *peones*, just as it was three centuries ago. The people have been too much absorbed in local politics, and too generally occupied in civil wars, to pay much attention to internal improvements.

As an illustration of the difficulties with which the commerce of the country has to contend, take, for example, a single bale of goods, shipped from New York to Bogotá. In the first place, it must not be over 125 pounds weight; otherwise its transportation may be indefinitely delayed after reaching the Colombian coast. This condition complied with, the bale, after a round-about voyage of twelve or fifteen days, arrives, say, at the port of Savanilla, where it is discharged into a clumsy barge, towed ashore<sup>1</sup> and placed in a warehouse. After waiting its turn, it is shipped thence by rail to Barranquilla, where it passes through the custom house, and is carted across the city to another warehouse near the river wharf. Here it awaits its turn for shipment by river steamer. It then makes a ten days'

<sup>1</sup> The recent extension of the Bolívar Railway, and the construction of an iron pier have obviated this particular difficulty.

voyage of about 600 miles up the river to Las Yaguas, where it is discharged into another warehouse to await its turn for shipment by rail to Honda. At Honda it is again discharged into a warehouse to await its turn for shipment by railway some five or six miles to Arranca-Plumas. Here it is taken from the car and portaged on the backs of peons down a steep bank of the river, placed on a ferry barge, and rowed across to the opposite side. It is then portaged on the backs of peons up another steep bank and placed in another warehouse, where it awaits its turn (some days, or possibly as many weeks) to begin the tedious and toilsome journey on muleback to Las Manzanas, on the western edge of the great plateau. Here it finds still another warehouse, and has another resting spell before it is transported in ox-carts<sup>1</sup> across the plain to Bogotá. It has been perhaps three months or more in making the transit from the port of original departure to the place of final destination, and the freight, insurance, storage, and commissions of middlemen and forwarding agents, and the mountain road-tax, amount in the aggregate to more than its original cost in New York.

<sup>1</sup> Quite recently by railroad.

## CHAPTER XV

### THE ISLAND OF CURAÇÃO

ONE of the commercial outposts of the old Spanish main is the little Dutch island of Curação. It is situated just off the Venezuelan coast, a few leagues from Puerto Cabello and Maracaybo, less than twelve hours' sail from La Guayra, and about eighteen from Carthagená and Savanilla. Being so near these ports, and in constant communication with them for nearly three centuries, one would naturally suppose that the Curaçãons and Spanish-Americans would have become more or less indented in character, language, and habits of life; but so far from this being the case, the two peoples are about as dissimilar as those of Holland and Spain. In the one, we have the rudiments of the old Spanish civilization, with much of its mediæval romance, sentimental chivalry, stilted pride, and visionary conceptions of life. In the other, we have a mere fragment of old Amsterdam transplanted on a barren island of the Caribbean; a dull, plain, and prosy, but practical people, who retain much of the stolid conservatism and "wooden-shoe-oddities" of the Fatherland.

The chief port and political capital of the island is Willemstad, more generally known abroad by the name of the island itself. The city, as Mr. William E. Curtis has somewhere said, "has all the appearances of a finished town, though none of the evidences of dilapida-



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tion and decay usually seen in cities that have stopped growing." As first seen from the upper deck of the steamer, at a distance of some miles, its general aspect suggests the idea of a conspicuously clean but somewhat ill-arranged oriental toy-shop. The houses are a confused jumble of adobe and red tile. You perceive no open spaces, and wonder whether there are really any streets. The little blocks of houses appear to have been set up at random, and painted in all the varied colors of the rainbow, though yellow seems to be the favorite. There is not the slightest pretension to architectural proportion or beauty, and nothing like harmony or uniformity. "Great dormer-windows peer out upon the most unexpected places, and gloomy-looking warehouses raise three and four stories beside little flat-roofed shops and cottages that remind you of antiquated Dutch ovens." Crow-step gables and tall ill-proportioned towers shoot up into the air like inverted stairways, and massive tile-covered enclosures of stone or adobe often rise to the very eaves of the little flat cottages.

The streets, when you get near enough to see them, are quite a study. Mr. Curtis has described them as "beginning anywhere and leading nowhere." As you traverse them, "you can never be quite sure whether you are making a circuit of the town or are going to be suddenly headed off by some high adobe wall." You start out for a stroll on what appears to be one of the principal thoroughfares, and the first thing you know you are hemmed in between high walls in some gentleman's back lot. If you start in almost any given direction, you are liable to become bewildered in the maze of narrow lanes and alleys, and after a walk of a few minutes to find yourself near the place whence you started. But there is one redeeming quality: these tortuous little

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lanes, dignified by the name of streets, are generally well paved and scrupulously clean.

The island has changed owners many times, and has had a variety of masters; yet, amid all its vicissitudes, it has steadily adhered to its old Dutch civilization. First discovered and occupied by the Spaniards in 1527, it was subsequently conquered and settled by the Dutch West India Company and remained a Dutch possession by the Treaty of 1648. In 1807 it was taken from the Dutch by the English, who eight years afterwards ceded it back to Holland, its present owner. In 1827, Willemstad was made a free port and opened to the flags of all nations. Ever since then it has been a sort of inter-depot or free-distributing point of commerce between the northern states of South America, the Antilles, Europe, and the United States. It has likewise been a sort of smuggler's paradise, and has given the revenue officers of Venezuela and Colombia no end of trouble; and for nearly half a century it has been a convenient resort for unsuccessful "revolutionists" of both those countries.

The entrance to the harbor is a narrow frith not exceeding four hundred feet wide, but of marvellous depth, and commanded on both sides by two massive forts. It would be quite impossible of entrance by a belligerent vessel, and it requires the nicest kind of sailing to get in, even with the friendly assistance of the port authorities. After passing the forts, the channel gradually widens a little before reaching a great oblong bay some miles inland. The channel, however, has a fine quay on each side, and affords safe anchorage for the heaviest naval vessels. Only a few feet from the shore the depth of water is said to be hundreds of fathoms. Some years ago a heavy ocean steamer met with an accident here, and went down suddenly within less than



ten feet from the quay; yet such is the marvellous depth of the water that the smokestacks and spars of the sunken vessel were many fathoms below the draught of the heaviest naval vessels, which passed and repassed over the wreck without the slightest apprehension of danger.

This deep channel divides the city into two sections, and until quite recently the only means of communication between them was by boats and canoes. That is all changed now. Within the past ten years our former consular representative there, who in early life had been a seafaring man, conceived the idea of spanning the channel by a movable pontoon. A heavy tug, a few flat-bottom boats, and a little pine lumber imported from our Georgia coast were the necessary materials. At a signal from the forts, the steam-tug swings the eastern end of the bridge around to the western bank, and leaves the narrow channel open. When the vessel passes in or out, as the case may be, the steam-tug replaces the floating bridge. Then drays and carriages and pedestrians resume their passing and repassing, paying a few cents at the toll-gates. The gross receipts during any given month of the year average a snug little sum daily, and it is said that the enterprise has already made its promoter a wealthy man. I once asked a sturdy old Dutch merchant of the place why nobody had thought of this simple and inexpensive contrivance before. His reply was that, "Nobody ever imagined such a contrivance necessary or possible, until that Yankee consul of yours had already formulated his plans and built the pontoon."

The soil of the island, in so far as it can be said to have any (for it is little else than alternate beds of coral and phosphate), is arid and non-productive. There is an

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old tradition that, at the time of its discovery by the Spaniards, early in the sixteenth century, the entire island was covered with forests of cedar and palms. One can hardly realize that this was ever the case. At any rate, we now see nothing but a few cacti and dwarf thorns. In some sections there is the *nispera* and a species of the citrus called the "sour orange." The *nispera* shrub resembles the crab-apple, and bears a most delicious fruit, which, however, is too perishable for transportation. The little sour orange, which is totally unfit to eat, is utilized in the manufacture of a delicious after-dinner cordial, known to commerce as *curaçao*, — deriving its name from that of the island, though oftener than otherwise it is made in Amsterdam. Occasionally you will see a few long-neck collards which some thrifty Dutchman has somehow coaxed to grow in his garden without water or apparent moisture; but you naturally wonder what possible use he is going to make of them; for the leaves are as tough as leather, and even the little half-starved donkeys will not attempt to eat them. Even the hardy Bermuda grass, which is supposed to thrive almost anywhere in the tropics, cannot be made to grow here, and you never see any lawns or flower gardens. The ladies do sometimes force a few roses and pinks to grow in flower-pots; but the soil and water necessary to their subsistence are both imported from the Venezuelan coast.

The climate is hot, but dry and healthful. There are no malarial fevers, and such maladies as neuralgia, rheumatism, pleurisy, and consumption are unknown. Even "yellow jack," the common scourge of the tropics, cannot live here; and about the only disease indigenous to the island is elephantiasis, or other forms of leprosy. These, however, are fearfully common, especially among the lower and dissolute classes. On

the outskirts of the city is a large and well-appointed leper hospital; but you rarely see a white patient among its numerous inmates. They are generally negroes or their mixed descendants, or the mixed descendants of whites and Indians originally from Venezuela and Colombia.

Although one of the oldest maladies known to medical science, there seems to be as little known of the causes which produce this dreadful disease of leprosy as there was thousands of years ago. From time immemorial it has been prevalent in Asiatic countries; and something corresponding to it was found among the aborigines of the tablelands in South America at the time of the Spanish conquest. But whether it is produced by certain unknown conditions of the climate, soil and modes of life, or whether it is in reality a parasitic disease and therefore contagious, is still a debatable question. Perhaps the weight of authority favors the parasitic theory; but what produces the parasites? The disease, in whatever form manifested, is always found in connection with a minute vegetable organism which inhabits the tissues of the leper; and this microscopic organism has never been found elsewhere than in the human body. It has never been discovered in the bodies of any of the lower animals, and never in the body of a perfectly healthy human being. Hence the formula, "Given the presence of the organism in the human body, we have the disease of leprosy; given disease, we have the organism." And the almost necessary inference is that the disease is contagious. Yet physicians who have made it a special study tell us that the transmission of the disease "is dependent upon certain physical conditions," and that oftener than otherwise these are the result either of climatic conditions or of heredity. So that, in reality, we seem to know very

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little about it, except that the disease, whatever it is, is generally considered incurable.<sup>1</sup>

Perhaps fully one half of the native population of the island are negroes and their mixed descendants; for negro slavery existed here as late as 1861, when it was finally abolished. But these freedmen, although invested with all the immunities of citizenship, were not given the ballot; for the Dutch are noted for their conservative ideas. They are fond of freedom, and once gave to the world a fine example of republican form of government; but they are not given to rash experiment, and have little patience with modern "run-mad democracy." Qualified voters have a voice in the municipal government of Willemstad, and to this end there is both a literary and property standard; but the government of the island is by a chief magistrate and a council appointed by the authorities of Holland, and responsible to the home government.

The negroes and mulattoes do not differ in appearance or in average intelligence from those seen on the other islands of the West Indies, or in some parts of Louisiana and Mississippi; but they are more civil and better behaved than those in either Hayti, Jamaica, or Saint Thomas. As a rule, they seem to be indolent, improvident, and shiftless, though there are a few well-to-do people among them. Their language is a curious jargon made up of corrupted Dutch, Spanish, and Eng-

<sup>1</sup> Quite recently there has been discovered in Venezuela a plant known to the native Indians as *Tua-Tua*, classified botanically as *Jatropha gossypifolia*, which is said to be a specific for leprosy. The plant grows in a dry, sandy soil, mixed with clay, to an average height of about four feet. Its leaves and stems are a beautiful purple. It bears a fruit about a third of an inch in diameter, which is covered with fuzzy, velvety hair, each pod containing three seeds, from which a strong oil is extracted. This oil is administered internally; two ounces twice daily, diluted in water. The claim is, by those who have experimented with it, that it will cure an ordinary case of leprosy in less than three months.

lish words, quite unintelligible to foreigners. Even after you have succeeded in picking up a considerable vocabulary of their local dialect, you are often at a loss to understand them. They are proverbially civil and good-natured; but although usually very scrupulous in the observance of the external forms of religion, they are generally oblivious of the seventh commandment.

The whites are generally of Dutch origin, and their language is that of the Fatherland; but most of them speak English, Spanish, and French equally well. They are noted for uprightness, honesty, and conservative methods in business transactions, but none the less quick to see and take advantage of a turn in the market. They are always busy at something or other, but never in a hurry about anything. They live comfortably, and even luxuriously when their means will allow, but never beyond their income, and seldom fail to "lay up something for a rainy day." They dress plainly but neatly, and are generally models of cleanliness in their personal habits.

There are now very good but plain hotel accommodations in Willemstad. This, however, is a recent innovation. Fifteen years ago there were but two hotels in the place, and both were about equally bad. No matter at which you put up, you were sure to wish you had gone to the other. Before embarking at Savannilla I was told that it never rained in Curaçao, that the extreme dryness of the atmosphere was a specific for neuralgia and rheumatism, and that a few weeks' sojourn there would effectually cure the most obstinate case of nervous dyspepsia. Well, the very first night after my arrival it rained as I never saw it rain before, except, indeed, at Panama, — for exception should always be made in favor of the average isthmian rain-storm. The windows of heaven seemed to have been suddenly

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opened, and for about six hours the rain came down in torrents. The tile roof of the hotel did not seem to be much in the way of the downpour, for very soon my apartments were completely flooded — and so, indeed, was every room in the house. The only dry spot about the premises was in a remote corner of the parlor, which served also as dining-room and business office, and this was already occupied by the landlord and his family. Some one asked him why he did not repair his roof. "It rains too hard," was the laconic reply. "Then you'll probably go to work at it when the shower is over?" suggested one of the guests. "Oh, it has never rained here before in twelve years, and may not rain again in a lifetime," was his quiet response.

However, every one seemed to enjoy the wetting. It was not yet five o'clock in the morning, but the streets were already full of people. Some had well-filled buckets and tubs; others were strolling about apparently with no purpose other than to see how a little fresh water would feel; for fresh water is indeed a rarity in Curaçao. There is not a spring or brook or running stream anywhere on the whole island, and it rarely ever rains. Plenty of water is found by digging deep enough, but it is so loaded with saline matter that it is totally unfit to drink. Nearly every house has its cistern, but it is usually either entirely empty or the rainwater has become odorous and impure by long stagnation. People who are able to afford it import their water for domestic use from the Venezuelan coast, just as well-to-do people of Canton, in China, import their drinking water from Hong Kong. Those who cannot afford this luxury manage to live somehow — I hardly know how. Ice is brought here from Boston, stored in ice-houses, and retailed at enormous prices; but half of the time there is an ice famine, and every time you

ask your host for a glass of ice-water you feel like apologizing.

It has been said that in arid climates like this, people are proverbially amiable and good-natured. There is probably some foundation for this statement. At any rate, a man who is tortured with rheumatism or neuralgia rarely shows much amiability of spirit, though he may be constantly on the watch to curb his irritability. He sometimes passes current as a saint only because he happens to have a good digestion and sound nerves; and dry climates are said to be promotive of these conditions. Be that as it may, the fact is, I never saw a more even-tempered and good-natured people than the Curaçaoans; and the merchants and shopkeepers of the place are models of courtesy and politeness. You see no sour visages or scowling brows, as in Caracas, where every third man has a liver, nor hear any snarling or angry tones; and there has never been anything like an organized labor riot or "strike" on the island. There are no "sand-lot" politicians and cranky "reformers"; and everybody seems to be satisfied with himself and on good terms with the world generally.

The religion of the masses is the Roman Catholic, and, next to the government house, the cathedral is the largest and finest building in the city. With few exceptions, the negroes, mulattoes, and quadroons are all Roman Catholics; and the same is even more generally true of the few whites and mestizos of Spanish origin. The Dutch of pure descent are generally Lutherans; the few English who have homes here are almost invariably Episcopalians. Some of the best people of the place are Jews. There is, however, a large white contingent who are described as *Indiferentes*, that is, persons who pay little attention to church creeds or religious forms, but who cannot,

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on that account, be classed as either infidels, atheists, or agnostics.

Curaçao, as I have intimated, is a convenient "point of observation" for Venezuelan and Colombian politicians; and when a defeated "revolutionist" wishes to avoid disagreeable acquaintances at Caracas or in the Colombian coast cities, he generally manages to slip out and take up his temporary abode at Willemstad. When a Venezuelan statesman is out of a job, he comes hither to mature his plans before deciding whether his country needs his personal services; so that the hotels and boarding-houses of the place are usually more or less crowded with "Generals" out of commission, and "Doctors" without constituents, all anxious to serve their country. Even before Venezuela became independent of Spain, Curaçao was a convenient asylum for those who had fallen under suspicion of the royal authorities; and during the twelve years' war of independence, when military and judicial murders were of almost daily occurrence at Caracas and Carthagena, Willemstad was often crowded with refugees. Generals Bolívar, Paëz, Miranda, Sublet, and others of the patriot leaders, all spent much of their time here. It is said that General Guzman Blanco came here a penniless refugee before he became dictator of Venezuela and the wealthiest man in Spanish-America; and that, during the twenty years of his iron rule, he always kept one or more confidential agents here to watch for and report any mischief that might be brewing. When he was overthrown by Dr. Rojas Paúl, in 1889, another set of spies were stationed here to watch the movements of Guzman; when Paúl went out of power and fell under the displeasure of Andueza, others were sent hither to watch the movements of Paúl and Crespo. When Crespo came into power, in 1892, he had a trusted agent here to keep an



eye upon the exiles of the defeated government, and to watch the movements of the disaffected of his own followers who had failed to get office; when Andrade came into power, he kept a man here to watch the movements of Fernandez and Guerra; and when Castro became dictator, in 1899, he sent a man here to watch the movements of his defeated rivals.

## CHAPTER XVI

### THE VENEZUELAN COAST

**T**HE only parts of the American continent that Columbus ever saw were a few rods of the Venezuelan coast near the Orinoco delta, where he failed to land, and a portion of the peninsula of Yucatan, which he mistook for the eastern shore of China. He was, however, none the less the real discoverer of the New World, and therefore none the less entitled to give it a name. But following close in his wake came Ojeda, in 1499; and with Ojeda came one Amerigo Vespucci, an Italian pickle-dealer of Seville, who was not even a navigator. His highest naval rank had been that of boatswain's mate on an expedition which never sailed; and yet "in this humbug-loving world he managed to baptize half the earth with his own dishonest name."

After coursing along the portions of the Venezuelan coast which Columbus had discovered the year before, Ojeda passed out of the Gulf of Paria, proceeded westward along the mainland to Cumuna, — the oldest European settlement in Venezuela, — and thence to the great bay, or inlet, of Maracaybo. Entering this bay he observed on its half submerged shores an Indian village, the houses of which were built on piles to avoid inundation; and from its fancied resemblance to Venice, he called it Venezuela, or "Little Venice," a name which was subsequently applied to the whole

country. Thus it came about that a mountainous region as large as Spain and Italy combined, was doomed to bear a name quite as inappropriate as that which the Seville pickle-dealer gave to the whole continent, though it has the merit of being less fraudulent in origin.

The waters of Lake Maracaybo cover a vast area, and have an average depth sufficient to float the heaviest ocean steamers at all seasons of the year. The lake is connected by a narrow strait with the gulf of that name, and thence with the Caribbean by another strait some 20 miles long and about 5 miles wide. The entrance to the lake is, however, so obstructed by sand bars that only light draught vessels can pass in and out. The gulf itself is about 150 miles in extent from east to west by about 60 north and south.

The city of Maracaybo, situated on the borders of this great lake, and now one of the most important commercial marts of Venezuela, was founded by the Spaniards as early as 1571, and was formerly a walled and well-fortified town. Its present population is somewhere in the neighborhood of 40,000, and comprises every shade of color, from the jetty African to the blond and blue-eyed German. Besides being the natural outlet and market of the vast and productive region of western Venezuela, Maracaybo is the most available port for a large portion of eastern Colombia, and perhaps fully half of what is known in our markets as "Maracaybo coffee" is really a Colombian product.

Many years ago — nobody knows just when or why — Maracaybo got a very bad name abroad. It was called "a sickly place," and one European writer (who had possibly seen it once for an hour or so) pronounced it "the graveyard of earthly hopes and fears." Of course he could know very little about it,

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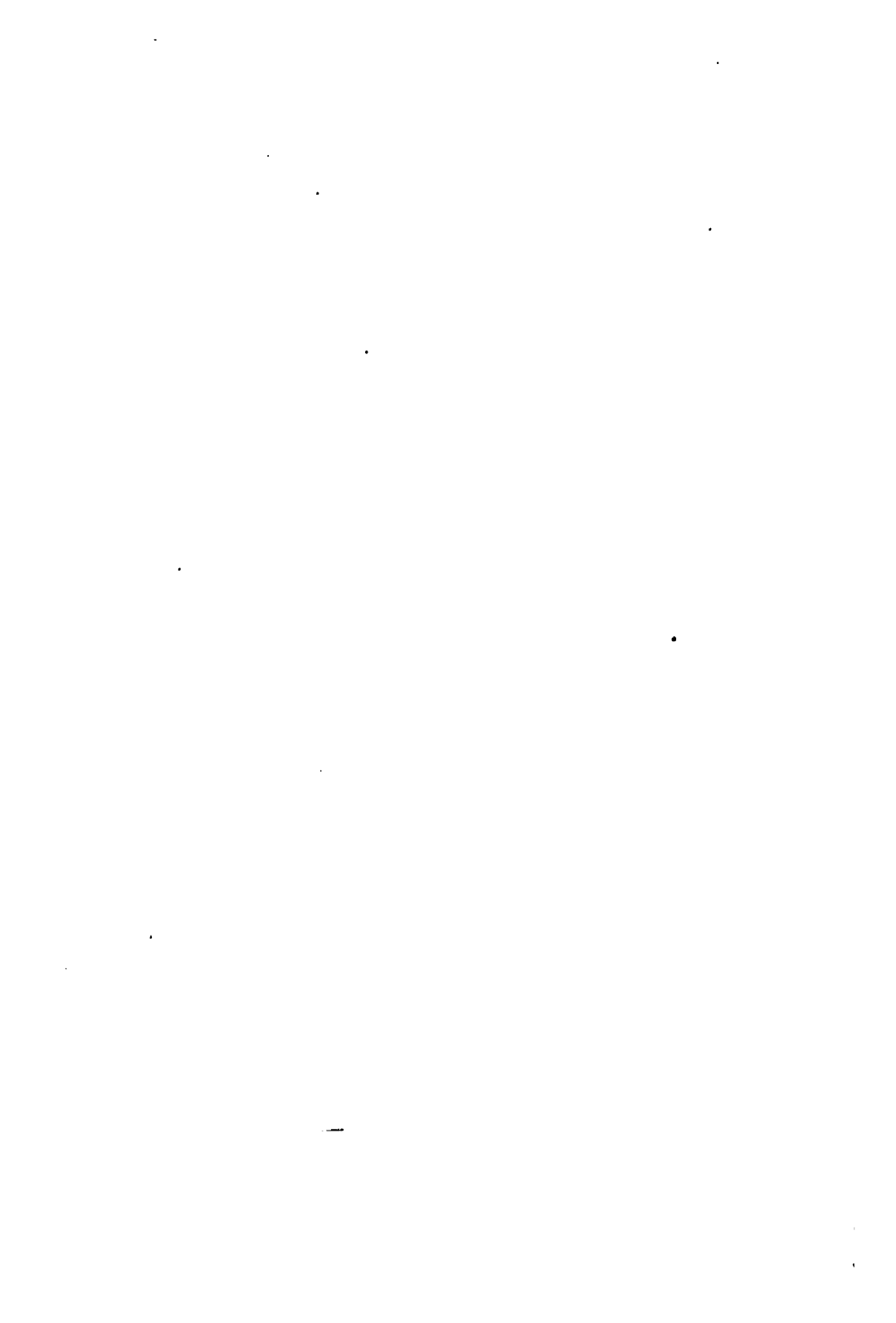
and like others, merely reiterated an opinion current among those who knew quite as little of the place. The implication is that it never really deserved this bad repute, or, if it ever did, that it deserves it no longer. And this, I think, is true. The rate of mortality is really less there than at Caracas; and yet Caracas enjoys, but perhaps not quite deservedly, the reputation of being "an earthy paradise." The average temperature at Maracaybo is about 80 degrees Fah., which, in this humid atmosphere, is quite oppressive; but the city itself is not unhealthful. It is situated on a sandy plain where there is less malaria and yellow fever than at many of the other Caribbean ports.

Still, foreign writers, taking their opinions second hand, persist in calling it "a sickly hole"; and I recall an amusing incident illustrative of this persistent prejudice. A western politician of some local prominence, who had long been pressed upon the attention of our State Department for a consular position in South America, was finally nominated and confirmed as consul to Maracaybo, much to the disgust and discomfiture of the incumbent, who wanted to retain his place. The new consul arrived at his post in mid-summer, and became the guest of his predecessor whom he was about to relieve. Discovering a metallic coffin in an obscure closet of his bedroom, he inquired of his host next morning why such an article of furniture should be there. The host was profuse in his apologies, but added by way of explanation that such things were not unusual in Maracaybo, especially during "the fever season, which," said he, "is just now setting in"! The new consul took the return steamer for New York, leaving his predecessor undisturbed.

Eastward from Maracaybo, far around the great pen-

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insula of Paraguana, and but a few miles south of the arid Dutch island of Curaçao, is the quaint old town of Coro, — one of the oldest European settlements on the continent, having been founded in 1527. It was the capital of the province of Venezuela as late as 1576, and is now the capital of the state of Falcon, one of the constituent commonwealths of the Venezuelan federal Union. The town is beautifully situated near the Caribbean coast, at an elevation of over 100 feet above sea-level, and has a mixed population of about 10,000. Its chief articles of export are coffee, chocolate, tobacco, castor beans, timber, and dyewoods. It is a place of some historic interest also, for it was here where General Miranda offered his first armed resistance to Spanish misrule at the beginning of the long struggle for independence.

Further to the eastward, about midway between Coro and La Guayra, and nearly opposite the little Dutch island of Bonaire on the north, is the important seaport town of Puerto Cabello, one of the most beautiful and picturesque places on the Caribbean coast. Puerto Cabello is one of the finest harbors in the known world, and is said to have derived its name from a saying of the old Spanish navigators, that "a vessel is safe here anchored by a single hair." It has been said also — and repeated often enough to gain general credence — that somewhere beneath the placid waters of this magnificent harbor "repose in a leaden coffin the mortal remains of Sir Francis Drake, the great English freebooter, who, after a long career of brutality and crime, died here of yellow fever in December, 1595." Such is the generally accepted tradition. But, like many others that have been adopted as authentic by those who write books about South America, the story will have to be spoiled. Drake was never anywhere in sight of the

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Venezuelan coast in 1595. It was not he who crossed the mountain near La Guayra and sacked Caracas, as has been so often alleged by careless writers. That brutal outrage was committed by another English free-booter of less note, named Preston. Drake did visit the northern Bahamas early in the winter of 1595; but there is no evidence that he was ever at or near Puerto Cabello during that year. He died at sea in December of that year, but was buried in the Caribbean, many leagues from the Venezuelan coast.

The city of Puerto Cabello is situated on a long, narrow peninsula at the foot of a high range of mountains, and is connected by railway with the beautiful little city of Valencia, some forty-eight miles distant in the interior, and thence by the waters of Lake Valencia with Cura and other important inland towns. It has an abundant supply of pure fresh water, several beautiful little parks, wide and well-paved streets, a number of modern-looking houses, and is now well lighted by electricity. The mean temperature of the place is about 80 degrees Fahrenheit. The present population is about ten thousand. It is the market of export for the states of Carabobo, Lara, and Zamora, three of the most productive commonwealths of the Venezuelan federal Union. The exports are mainly coffee, chocolate, indigo, tobacco, hides, cabinet timber, dyewoods, and, formerly, considerable quantities of cotton. It is one of the historic spots on the Caribbean coast, and many are the strange and weird sixteenth century legends which cluster about it. It was a rendezvous of the old buccaneers, and less than a hundred years ago was successfully defended against an assault by the British fleet commanded by Commodore Knowles. It was here, also, during the war of independence, that General Páez made his marvellous night attack on Cal-



zado, the royalist chief, and forced the unconditional surrender of his entire army.

La Guayra, the seaport of the capital of the Republic, some sixty-five miles eastward from Puerto Cabello, is situated on the very verge of the waters of the Caribbean, and is overshadowed by a mountain some 8,000 feet high, which separates the port from the city of Caracas. The distance, in a direct line, between the La Guayra and Caracas is less than seven miles; the actual distance by railway, and also by the cart-road, is nearly thirty. Baron Humboldt has somewhere said there is but one place in the world that can rival La Guayra for the grandeur of its scenery, and that is Santa Cruz de Teneriffe. The great peak of the coast range of mountains, visible to mariners ninety miles distant, rises almost perpendicularly from the water's edge, leaving very little room for a town of any kind. What town there is, consists of one and two story houses of the sixteenth-century pattern, scattered some two miles along the edge of the shore, and extending at right angles a few rods into the little coves of the mountain, or clustered about on the benches and crags of the cliffs above. Far up on the side of the mountain, overhanging the business part of the city, is the old Spanish fort of early colonial times, which the genius of Charles Kingsley has made classic; and on the next bench below, is the old amphitheatre or bull-ring.

The harbor of La Guayra is an open roadstead of crescent shape, and those who knew it prior to 1890 will not readily forget the inconvenience and danger of disembarking. The swell of the sea was often so great that boats would drop down twelve and fourteen feet below the stair-landing of the steamer, and, as the returning waves tossed the boat upward, the anxious passenger had to make a fearful leap, and be quick

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about it. Sometimes passengers had to be placed one at a time in a chair, hoisted over the side of the ship, and then lowered into the restless little boat far down amid the bulging waves. Freight had to be discharged in the same way; and it sometimes happened that the little boat would be swept to one side by a rolling wave just as the winchman was ordered to "let go," and the burden would drop down into the depths of the sea.

This is all changed now. A concession for building a breakwater was granted to an English company as early as 1885. Work was commenced in December of that year, and by the close of the next year, the breakwater was completed at a cost of nearly \$5,000,000. The great wall, built of stone and cement, is over two thousand feet long, and wide enough for a double-track railway. It shelters a surface of deep water covering about eighty acres, and the heaviest sea-going vessels now steam around its western extremity, drop anchor in smooth water, and land passengers and freight without inconvenience. It is needless to add that this great work completely changed the appearance of the place and revolutionized the business of the port; for although the company's charges are a heavy tax on commerce, nobody ever complains, and the increase in the volume of trade has been marvellous.

It was Humboldt, if I mistake not, who gave La Guayra its bad reputation for unhealthfulness. That was nearly a century ago, but people abroad still think of La Guayra as Humboldt described it,—that is, as "a deadly place." The truth is, however, it never really deserved that bad name; and at present it is one of the healthiest localities on the Caribbean coast. The extremes of temperature range from 74 degrees Fahrenheit in winter, to 94 degrees in summer; and

whilst there are sporadic cases of yellow fever at nearly all seasons, the disease seldom becomes epidemic, and if taken in time yields readily to medical treatment. The atmosphere, though hot and parching, is singularly free from malaria; and the climate is regarded as a specific for neuralgia, rheumatism, and many of the forms of throat disease common in the more elevated and cooler regions of the interior. Indeed, after several years of somewhat close acquaintance with the place, I have been forced to the conclusion, quite contrary to my first unfavorable impressions, that La Guayra is, at all seasons of the year, a much more healthful locality than Caracas. And yet nearly every one (except those who really know the two places) will tell you that Caracas is "an earthly paradise," while La Guayra is "a graveyard."

On the narrow sandy beach, some three miles east of La Guayra (and now connected with it by railway), is the picturesque little town of Macuto, a fashionable seaside resort which is usually crowded with visitors from the capital during the winter months. Macuto, unlike any other town on the old Spanish main, is quite modern in appearance. It has wide and well-shaded streets, beautiful little parks and flower-gardens in which play fountains of pure mountain water. Many of the cottages are quite attractive, and there are several small but decent little hotels. It has both sea and fresh-water baths, and the promenade on the beach reminds one somewhat of our own Newport.

The little town of Maiquetia, noted for its groves of stately palms and streams of fresh mountain water, is some two miles west of La Guayra, and is the coast terminus of the old colonial mule road to Caracas. Like Macuto, it has recently become quite a resort for invalids and pleasure-seekers from the capital dur-

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ing the winter months, though it is very much less attractive.

Some 25 years ago, the narrow mountain trail connecting the capital with the coast was superseded by a roundabout cart-road; and this, in turn, was superseded by the still more roundabout narrow gauge railway. The railway, originally an American enterprise, is now owned and controlled by British capitalists. It was completed in 1883, at a cost of nearly \$100,000, per mile, and its necessary running expenses are enormous; yet so great has been the traffic over it that the little road never fails to pay a handsome dividend to the stockholders. The average grade is something over 4 per cent, with scarcely twenty yards of perfectly straight track anywhere on the whole line, and there is a tunnel or deep culvert every few hundred yards. Winding zigzag up the steep side of the mountain to an altitude of over 3,000 feet before losing sight of the sea below, it turns sharply round a dizzy precipice and enters the valley of Caracas from the west, having made a circuit of nearly thirty miles in order to overcome a distance of about seven.

The first experience of a passenger over this road is novel and interesting. It is also very trying to persons of weak and unsteady nerves, who often experience a feeling usually described as "sea-sickness." At some places the train swings around the verge of a yawning abyss of perhaps 3,000 feet depth, where, if a valve should give way, or the locomotive should "jump the track," there would never be any necessity for a coroner's jury. Strange to say, however, there has never been an accident on the entire line. Passenger trains never run at night, and during the day well-paid and trusty sentinels are stationed every few hundred yards from one end of the road to the other. Thus careful management has

given immunity from accident; and it merely illustrates the fact, now coming to be very generally recognized, that, in every instance, our frightful railway slaughters result either from a want of brains or from criminal carelessness.

The beautiful and picturesque island of Margarita lies some seventy miles off the coast, nearly opposite the old town of Cumaná. This was one of the islands discovered by Columbus during his third voyage, and was colonized by the Spaniards as early as 1524. It now has a mixed population of about 20,000, and is part of the state of Miranda, one of the constituent commonwealths of the Venezuelan federal union. The first view of the island from the sea is one of matchless beauty, but it will hardly bear closer acquaintance. The soil is arid and non-productive, and the inhabitants are exceptionally indolent, stupid, unenterprising, and improvident. But the climate is singularly healthful. There is never any yellow fever nor rheumatic or nervous ailments; and a physician there, dependent upon an income from his practice alone, would certainly be in danger of starvation. The commerce of the island, which is tributary to that of La Guayra, consists of dried fish, salt, cassava, goat-skins, and a few domestic fowls. It was once celebrated for its pearl fisheries, whence its name.<sup>1</sup> But at present this branch of industry is confined almost exclusively to the contiguous little island of Coché, famous for its Spanish mackerel and red snappers. The average annual income from these pearl fisheries hardly exceeds \$75,000; but this by no means represents the possibility of that industry. About 300 small boats are employed, but none of them are provided with diving apparatus, and consequently the deep-water pearl oyster is seldom disturbed. The native mode of fishing is quite primi-

<sup>1</sup> *Margarita* is the Spanish for "little pearl."

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tive. Heavy metallic scoops or dredges are dragged on the bottom of the sea, and then drawn to the surface by means of cables and clumsy hand-windlasses. The few pearls thus obtained are generally of inferior quality, and are sold at low prices to small traders for the European markets.

Just opposite the great delta of the Orinoco is the island of Trinidad, famous for its pitch lakes, whence is derived most of our asphalt paving material. Trinidad was so named by Columbus by reason of its three high mountain peaks, which he discovered from the masthead of his little bark in the midsummer of 1498. The island has long been a British possession, and has a mixed population of nearly 100,000. Port-of-Spain, its commercial and political capital, is one of the finest cities in the West Indies. Its sanitary arrangements are excellent, and although the temperature is very high, the place is comparatively healthful. The streets are wide, and well paved, and abundantly shaded. Many of the public and private edifices are large and handsome. The island has several fine harbors and many running streams of fresh water.

The Orinoco delta, almost in sight, just across the gulf of Paria southward, consists of fifteen estuaries, only two of which are navigable by ocean steamers. These estuaries branch off from the river nearly a hundred miles above, and water an area of swamp and alluvium larger than the whole state of New Jersey. At many points near the coast, near these estuaries, are found rich deposits of bituminous coal, hitherto little disturbed. Above the delta, the Orinoco is navigable as far as the rapids of Atures, nearly a thousand miles inland from the coast. At a distance of 600 miles from the coast the river is fully three miles wide; and at Angostura (now known as Ciudad Bolívar), nearly 400 miles from

the coast, its average depth is something over sixty fathoms. The many navigable tributaries of this great river extend from the west and southwest far into the interior of Colombia; others are in communication with the northern and eastern watersheds of far-off Brazil.

East of the Orinoco, along the Atlantic coast as far as the mouth of the Essequibo river, and thence around to eastern borders of Brazil, lies an immense territory of marvellous natural wealth, known as Guayana, — now partitioned among various nationalities, although originally owned by Spain. That portion lying between the Orinoco and the Essequibo rivers, has been in dispute between Venezuela and England for nearly eighty years, and prior to that had been a subject of controversy between Spain and Holland since the middle of the seventeenth century.<sup>1</sup>

• Thus, "Little Venice," our nearest trans-Caribbean neighbor, has a coast line of over a thousand miles, exclusive of the late disputed territory east of the Orinoco; and if we consider the sinuosities of bays and gulfs, the line will be extended to over 1,700 miles. The entire coast, from cape Gäjira in the west to the easternmost estuary of the Orinoco, abounds with fine harbors, many of which have available water communication with the interior; and from which to our South Atlantic ports the navigable distance is not exceeding four or five days.

There is now, and has been for some years past, a tri-monthly line of American steamers between New York and La Guayra, *via* the island of Curaçao; and, under a law of Congress enacted in 1891, these steamers receive a subsidy for carrying the mails. This has enabled the company to lower freight and passenger rates, and thus divert a large and profitable trade from European

<sup>1</sup> See *infra*, chaps. xxiii., xxiv., and xxv.

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markets. But the bulk of the Venezuelan trade is still with Europe, and is likely so to continue until our people more fully realize the importance of direct ocean communication between our South Atlantic and Gulf ports and those of the Caribbean coast; for there is really no reason other than that found in our own apathy and indifference, why this vast and profitable trade should not be diverted to Norfolk, Savannah, Brunswick, Tampa, New Orleans, and Galveston.





CARACAS, SEEN FROM LA GUAYRA STATION



## CHAPTER XVII

### CARACAS AND ENVIRONMENTS

**T**HREE thousand feet above the sea, less than seven miles in direct line from the coast, yet separated from it by mountain peaks which tower fully six thousand feet above its streets, stands "picturesque Caracas," the "little Paris" of South America, the political capital and literary centre of the Republic of Venezuela.

The city is situated in the centre of the beautiful little Chaçao valley, a deep basin in the eastern cordillera of the Andes, less than twelve miles long by four wide. Around this little valley stands a cordon of blue mountains and green foot-hills, fringed with coffee estates and sugar plantations; and coursing through it, north and south, is the rapidly running little river Guira, fed by limpid streams of pure mountain water. The spot is as beautiful as a picture; the climate is equable and temperate; the air is soft and balmy; and a stranger, seeing the place for the first time, is apt to conclude that it must be indeed the "earthly paradise" it is sometimes represented.

Near the western extremity of the valley, and only a few miles from the sources of the Guira beyond, stands the unique little village of Antémino; unique, because it is one of the few places in Spanish-America which you fail to associate with the remnants of a former age. In other words, it is comparatively a new

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place, and has a modern, up-to-date look. It is sometimes called the "Little Tyrol" of Venezuela; perhaps not so much by reason of a fancied resemblance to the favorite villa of the unfortunate Marie Antoinette, as it is for having been the favorite country residence of every President of the Republic for more than a quarter of a century past. It is within easy distance of the capital, and is connected with it, and also with the town of Los Teques in the mountains beyond, by a modern steam railway.

This railroad, by the way, is a German enterprise, and has been the source of perennial diplomatic disputes and international unpleasantnesses for the past decade. In a season of enthusiasm, when coffee crops were good, prices high, and the country was visited by one of those periodical debauches of prosperity so common in the western world, the government incautiously agreed to guarantee seven per cent annually on the capital necessary to the construction and equipment of the road, provided only that the cost should not exceed \$100,000 per mile, and its net earning should fall short of a seven per cent. The calculation was that the road could be built for much less than \$100,000 per mile, and that when completed it would hardly fail to pay at least seven per cent on the amount invested. How little the government knew of the methods of modern railway companies! The stockholders claimed that the road cost more than \$100,000 per mile, notwithstanding it is narrow gauge and all the machinery and appliances had been imported free of duty; and that, when completed, it never paid actual running expenses. The outcome has been endless controversy, demands for the stipulated guarantee of seven per cent, interpositions by the German government, threats of customs seizure, one serious diplomatic rupture, and

an uncomfortable burden upon the national treasury of the Republic.

But to return to the Chaçáo valley. It is not quite so attractive on further acquaintance. You discover that the atmosphere is somewhat damp and malarious, and that mountain fevers, catarrh, liver complaints, and inflammatory rheumatism are common ailments. Thick fogs gather at night, during certain seasons, and hover over the entire valley till nine and ten o'clock in the morning; and when these clear away, the sun shines out with uncommon power and sends the mercury up from sixty-five to seventy-five degrees. Between five and six in the afternoon, a steady gale sets in from the mountain passes on the northwest, hurling fogs and mists through the valley as through a funnel, and by seven the thermometer is down again to sixty-five or even lower. During the months of July, August, and September, the valley, and more particularly the city, is sometimes visited by a species of violent fever which occasionally becomes epidemic. It is not the genuine "yellow jack" of the coast cities, or rather such as we see in Havanna or New Orleans; but it is something very near akin to it, and is often even more rapid and fatal in its results. It is known as *la fiebre perniciosa*, or "pernicious fever," and is a genuine terror to unacclimated foreigners. Strangers liable to be affected by such epidemics should never come here in midsummer. If they come after November or before March, they may remain all the year without reasonable apprehension; but in any case they must live temperately, and avoid night drafts if they would keep well.

There has been considerable discussion by the curious as to the origin of the name "Caracas." It is said to have been the name of a tribe of Indians who inhabited this valley at the time of the Spanish conquest, early in

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the sixteenth century. The term is likewise applied to a native bird of prey, known to naturalists as the *pyloborus*,—a sort of cross between the vulture and the mountain eagle, and a terror to smaller and weaker birds. From a fancied resemblance of its harsh and disquieting notes to the sound of the *caraca* or rattle trap, used instead of the bells during the last days of Holy Week, the old Spaniards called this ferocious bird the *caracas*. But I know of no explanation of this coincidence of name among peoples who spoke a different language, and who were at the time supposed to be unconscious of each other's existence.

In the year 1560, one Francisco Fajardo (or Faxardo) the illegitimate son of a Spanish adventurer by the daughter of an Indian chief, made the first attempt to found what is now the city of Caracas. He was, however, soon driven from the place by a tribe of hostile Indians, and fled to the Spanish settlement at Cumaná, where he was assassinated by one of his own countrymen. Seven years later, Don Diego de Losada entered the Chação valley with a strong military force, pitched his tents near the central plaza of the present city of Caracas, built a few houses, and called the place *Santiago de Leon de Caracas*, which in process of time became simply Carácas (with accentuated second syllable), and finally plain Caracas.

The city is regularly laid out in blocks or squares of uniform size extending from the banks of the Guira, on the south, to the height of several hundred feet up the slope of the mountain, on the north. The streets are generally narrow, though somewhat wider than those of the average Spanish-American city, and are generally well paved with stone, macadam, or asphaltum. The sidewalks are barely wide enough to accommodate two pedestrians walking abreast, but are neatly overlaid

with Roman cement and quite smooth. Near the Plaza Bolívar, the conventional centre of the city, two main thoroughfares cross each other at right angles, and extend toward the four cardinal points. These central avenues are designated as "North and South" "East and West" Avenues. All streets running northward from East Avenue are classified as "North 1st, 3d, 5th," and so on, omitting the alternate even numbers; while all running northward from West Avenue are known as "West 2d, 4th, 6th," and so on, omitting the alternate odd numbers. A like classification is made of the streets running southward from North and South Avenues, omitting alternate even numbers on one side and odd numbers on the other. The houses are all carefully numbered in corresponding series; so that when the name and number of any street or house is given, its exact position with respect to the central plaza is known at once.

Methodical and convenient as this arrangement is, it seems never to have commended itself to the common people; perhaps only for the reason that it is of modern origin, for it was one of the "reforms" introduced by Guzman Blanco. The simple-minded peasantry still adhere to the old Spanish colonial method of naming the corners at the street-crossings, and then designating houses as number so and so between such and such corners. Thus, if you direct a servant to go to "No. 25, North 2d Avenue," he will stupidly stare and affect not to understand you; but if you say to him, "Go to No. 25, between the corners of *Las Ybaras y Maturin*," he will be off at once on his errand.<sup>1</sup>

<sup>1</sup> Among the old names of the streets in common use as late as 1780, we find the following: Encarnación del Hijo de Dios ("Incarnation of the Son of God"), Nacimiento del Niño Dios ("Birth of the Child-God"), Circuncision y Bautismo de Jesús ("Circumcision and Baptism of

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Carcacas, unlike most Spanish-American cities, abounds with public parks and flower-gardens. There are some twelve or fourteen altogether, and some of them are well kept and exquisitely beautiful. In the centre of nearly every one of them is a costly statue in bronze or marble, erected in honor of some popular hero or statesman of the country; and generally the plaza takes the name of the person whose memory is thus sought to be perpetuated. Thus we have the Plaza "Bolívar," Plaza "Falcon," Plaza "Miranda," Plaza "Guzman," and so on. About the only exception is the Plaza Centenaria, or Centennial Square, in the southern part of the city; and even this is more generally known as Plaza "Washington," from the circumstance that it is adorned by a life-size statue in bronze of our own Washington. It was erected as late as 1883, during the reign of Guzman Blanco, possibly in recognition of the fact that a very indifferent likeness in bronze of General *Símon Bolívar* already occupied a conspicuous place in Central Park, New York.

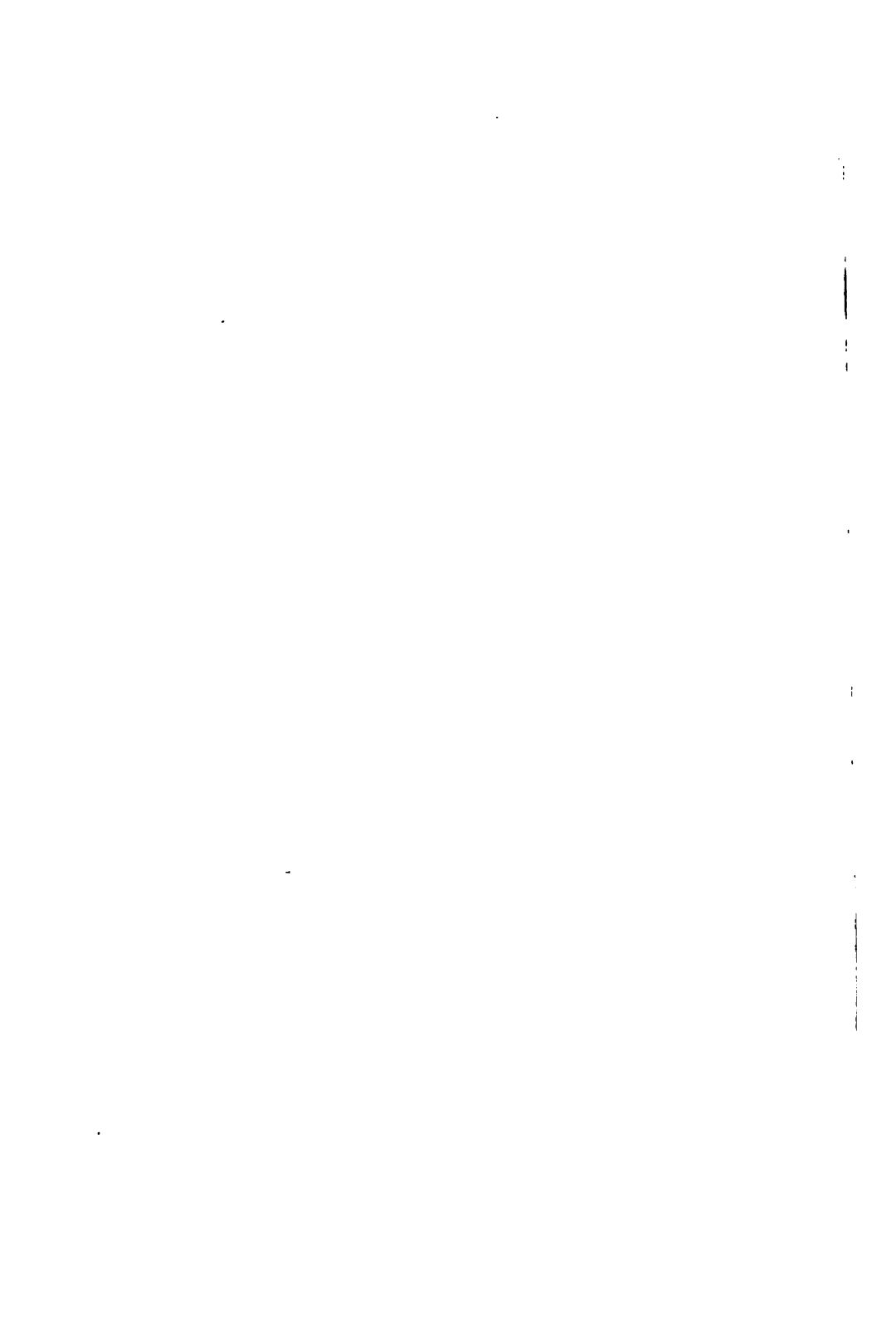
But the largest and most beautiful of these public gardens is the Plaza Mont Calvario. It occupies the crest of a mountain spur which projects into the city from the west side, and is made accessible by beautiful drive-ways which wind zigzag up the acclivity amid dense groves of trees, bamboo, and choice shrubbery.

Jesus"), Dulce Nombre de Jesús ("Sweet Name of Jesus"), Adoración de los Reyes ("Adoration of the Kings"), Presentación del Niño Jesús en el Templo ("Presentation of the Child Jesus in the Temple"), Santísimo Trinidad ("Holy Trinity"), Huida á Egypto ("Flight to Egypt"), El Niño perdido y hallado en el Templo ("The Child lost and found in the Temple"), Transfiguración del Señor ("The Lord's Transfiguration"), Triunfo en Jerusalem ("Triumph in Jerusalem"), Santísimo Sacramento ("The Most Holy Sacrament"), Ecce Homo ("Behold the Man"), El Santo Sepulchro ("The Holy Sepulchre"), El Juicio Universal ("The Universal Judgment"), and many others of like import.





VIEW OF CARACAS FROM MONT CALVARIO



The garden at the top commands a fine view of the entire city and valley; and in the centre, until quite recently, was a colossal bronze statue of Guzman Blanco, otherwise the "Illustrious American." Blanco was not exempt from the excessive vanity of a very puerile type, and never hesitated to erect brass monuments in honor of himself, nor to instruct a subservient Congress to give him extravagant and quixotic titles. When his power was broken in 1889, some students at the National University pulled down this mammoth statue, chopped and hammered it to pieces, and carted the fragments out of the city. Three years later, when the whole country was in a state of anarchy, and the beautiful capital at the mercy of a howling mob, some of these same young fellows were heard to express the wish that "old Guzy," as they called him, were back in the presidential chair again! For, though martinet and tyrant that he was, he did succeed in preserving public order and decorum; and it will have to be further admitted that during the twenty years of his despotic rule there was a degree of material prosperity hitherto unknown in Venezuela.

The new capitol, erected during Guzman's reign, occupies a whole square near the centre of the city. The building is a large and showy edifice, though somewhat cheaply built of rather inferior materials. It occupies the site of an ancient convent which was pulled down after the triumph of the Liberals, or "Yellows," as they were called, in 1871.

The building at present occupied by the National University had a similar origin, although the University itself is a corporation older than the Republic by nearly three centuries. The edifice occupies nearly the whole of an entire square. Prior to the year 1696, the University had been a Theological seminary only. In 1721,

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it was raised to the category of a Royal Pontifical University. There were then but nine chairs, all more or less connected with theology. Subsequently the chairs of medicine and jurisprudence were added. In 1784, there was added a professorship of philosophy, and later on one of mathematics. After the independence of the country had been achieved, General Bolívar, by decree of 1827, increased the professorships to twenty-four in number. At that time the institution was richly endowed, and enjoyed great independence. Its annual income from rents, from the products of its estates, and from other sources, was far in excess of current expenses. The rector, vice-rector, and professors were elected for the term of three years by a board of directors; and it had an academic tribunal of somewhat extensive jurisdiction. Only in matters of extraordinary moment did the government of the Republic presume to interfere. That is all changed now. After the great civic upheaval of 1870, the University was degraded by executive decree to a mere dependency of the Ministry of Public Instruction. The rector, vice-rector, and professors were named by the government, — that is to say, by the Dictator-President of the Republic, — and all salaries were paid out of the public treasury, which had become the trustee of the University estates. Having thus fallen into the hands of the politicians, it is no marvel that this time-honored institution, once the pride of the city and famous throughout the Southern hemisphere, should have so rapidly degenerated.

Between the University and the federal capitol buildings is a beautiful little park, or rather flower-garden, to which the "Illustrious American," so-called, gave his own name; and in the centre of the grounds stood until recently an equestrian statue in honor of himself.

It was a magnificent piece of art; but it went down with all the other monuments of his greatness on that memorable October morning in 1889, when his power was overthrown by Rojas Paúl, and not a trace of its existence is now to be seen.

Fronting the Plaza Bolívar eastward, stands a large two-story adobe building painted a bright yellow. This is the national executive mansion, generally known as *la Casa Amarilla* ("the Yellow House"), in compliment, perhaps, to the triumphant Liberal party of 1871, which was somewhat significantly called the party of "the Yellows."

The federal council chamber stands directly opposite the capitol building on the east. The interior of this chamber is chiefly remarkable for a large and well-executed oil-painting which represents the signing of the Declaration of Independence of July 5, 1811. The picture is gorgeously framed, and covers the whole north end of the chamber. The figures are large and lifelike. Even the writing on the painted scroll which represents the historic document seems almost legible, and you can almost fancy you hear the "gray goose-quill pen" scraping over the surface of the rough paper as the young and impetuous Yañez is in the act of writing his name among the first on the heroic list. Miranda stands just in front of him, fully six feet in his military boots, his head of thick bushy white hair contrasting with his florid complexion; and, in sympathy with the artist, you try to forget for the moment that Miranda was in reality a little bald-headed, orange-faced, insignificant-looking bantam of a man, far below the medium height. Near by him stands the scholarly Urbaneja, with a freshly nibbed goose-quill pen in hand, awaiting his turn to sign the portentous document. Older men among the signers, in knee-breeches, silver

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shoebuckles, powdered wigs, and all the frills and paraphernalia of the European court dress of the seventeenth century, sit thoughtfully in crimson chairs, thinking, perchance, of the certain consequences to themselves and their families should they fall into the hands of the royalist chiefs. It is an inspiring and pleasing picture, and you reluctantly recall the fact that the whole scene is a fable, pure and simple. For, as a matter of fact, there never was any such meeting. No such signing of the declaration ever took place, either in general assembly or in committee room. The original paper was passed around from house to house, or from office to office, and the signatures were all privately obtained. A few months later, the paper disappeared very mysteriously, and no trace of it has ever been found! The magnificent painting is therefore purely ideal, a mere projection of imagination upon canvas. The autographs were all taken from old letters, receipted bills, and other private papers. The whole scheme of the picture was an ingenious device of General Guzman's. The painting was made in Paris as late as 1883; the artist was liberally paid, by contract, from the public treasury; and perhaps the average *aldeano*, who is seldom sceptical on such subjects, really believes that this imposing picture represents an historical scene.

At the southeast corner of the Plaza San Jacinto (now the public market) stands the old colonial building in which Símón Bolívar was born. A century or so ago it was a somewhat pretentious mansion, the home of luxury and refinement. It is now used as a common warehouse, but still open to visitors. Even the identical room wherein the great *Libertador* is said to have first seen the light of this world is carefully pointed out. The place is greatly revered by all Caraquenians.

Bolívar living was an object of envy and distrust; Bolívar dead is a memory of almost superstitious reverence. His portraits and statues are seen everywhere in Venezuela. The gold and silver coins of the country all bear his profile; the monetary unit of the Republic is called by his name; every national bank-bill and postage-stamp bears his picture; and everything associated with his person while living is carefully collected and cherished. "The books which he read, the pens that he wrote with, the inkstands that he used, the knife and fork that he ate with, the boots and spurs that he wore, and even the brass buttons that adorned his military coat, are all objects of affectionate reverence." One naturally marvels that a people so grateful to his memory, and so proud of his fame, should so strangely ignore his counsels and become so totally oblivious of his repeated warnings against the evils of a licentious democracy. And yet we of the United States are little less inconsistent. We revere the name of Washington, while, in contemptuous disregard of his repeated admonitions, we deliberately turn over the affairs of government to an irresponsible mob, or abandon our municipal politics to an alien rabble, — all in the name of "democracy."

The Pantheon, a sort of Venezuelan Westminster Abbey, is situated on an eminence on the northwest corner of the Plaza Miranda, in the extreme northern part of the city. The building was formerly an old cathedral, but was fitted up for its present purpose soon after the revolution of 1870. Within its massive walls now repose the mortal remains of Bolívar and Miranda, Bello and Paëz, Falcon and Vargas, Urbaneja and Yañez, and hosts of others little less famous in the history and literature of the country. Bolívar's tomb occupies the main altar, and is surmounted by a splendid

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statue in Parian marble. Some of his favorite books, and many of the personal ornaments that he wore, occupy an ornately finished glass case to the right of the altar; and both sides are embellished with marble tablets bearing the names and dates of his military achievements in the long war of independence. Regularly on each recurring anniversary of his birth, the doors of the Pantheon are thrown open, and the tomb is visited in great ceremony by all the officers of the government, attended by the resident representatives of friendly powers.

Not far distant from the Plaza Miranda, down in a deep ravine on the banks of a rapidly running stream, is a giant tree (a species of the *Bombax ceiba*) beneath whose sombre boughs the early patriots of the Revolution of independence were wont to hold their secret conclaves. Such is the commonly received story; but it will hardly bear investigation. For the great tree, it seems, was planted there as a small sapling as late as the year 1832, — ten years after the political autonomy of the country had been formally recognized by the United States, and two years after the Republic of Colombia had fallen to pieces.

Another story equally interesting, though somewhat incongruous with the preceding, is that the ravine itself was made by the terrible earthquake of 1812, which totally destroyed a large portion of the city. Most strangers who visit Caracas are the recipients of this interesting story, and I believe it has found place in some of the books and magazine articles written by those who write only for the public market. Unfortunately, however, for this bit of popular fiction, the ravine is spanned by an old stone bridge which, according to a now almost illegible inscription on one of its pillars, was erected by one of the old Spanish Colonial



Governors-General nearly forty years *before* the great earthquake of 1812!

The city boasts of a well-appointed theatre, an immense opera house, and a somewhat imposing Masonic temple. The last-named is an unusual sight in Spanish America; for, generally, wherever the Roman Catholic religion prevails to the exclusion of all other forms, there are few Masons and no gorgeous Masonic temples. But the power of the prelates was rudely shaken by the vigorous twenty years' reign of Guzman Blanco; and Caracas has always been in closer and more frequent contact with the outside world than either Bogotá or Quito. Aside from this, Guzman, who had lived much abroad, had imbibed many foreign ideas, and was never quite free from a suspicion of secretly entertaining French infidel heresies. At any rate, he had a sort of sneaking ambition to make his native city as much like Paris as possible; and so he builded the handsome two-story Masonic temple at government expense.

The little theatre building, centrally located near the Plaza Bolívar, is neat and commodious in its interior arrangement, and is a place of popular resort at all seasons of the year. The Grand Opera House, situated in the southern part of the city, is a more modern and pretentious affair. It is said to have cost nearly half a million dollars; but one is puzzled to understand how even half that sum could have been expended upon it. It was another of Guzman's enterprises, and his enemies charge that he shared the profits of the contractors who built it. Be that as it may, the money, it seems, was paid out of the national treasury and charged up to the account of public works and improvements. Still, the new opera house is a credit to the capital, and would be an ornament to almost any city in the United States or Europe. Our first impression of it is that its

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size is out of all proportion to the population; for one naturally wonders what practical use such an enormous auditorium can be in a city of less than 100,000 inhabitants. And yet it is occupied regularly three and four nights each week during the three winter months, by the very best opera troupes of Europe; and on such occasions there is seldom an empty box or seat. Even the third gallery and the lobbies are usually crowded. The Caraqueñians are a music-loving people, and all classes and conditions manage somehow to attend the opera. It is a very common thing to hear shoemakers and carpenters, stone masons and plasterers, stable-boys and street-car drivers humming some classic air which they have caught up at the opera during the week.

In Caracas there are a great many church edifices, some of which are large and handsome. But one somehow gets the impression that they are not up to the standard of taste and excellence displayed in the structure of the other public buildings of the city. Moreover, one can hardly fail to observe that the daily attendance at mass is smaller, in proportion to population, than in either of the other capitals of the five Bolivian republics. Perhaps the reason is that the men of the educated classes are, as a rule, either secretly or openly hostile to the Church. Some of them are avowed agnostics, others are sceptical, many more are merely indifferent. There is no Protestant element, nor apparently any room for any; no spirit of theological inquiry; no disposition to discuss religious creeds; no formulated issues with the old Church; no open rupture: only a sort of secret dislike to all forms of ecclesiasticism and priestly intervention in the affairs of life.

This indifference, however, is confined almost exclu-

sively to the educated classes. The common people are devoted to the doctrines and dogmas of the Church. They may appear less reverent, and certainly less fanatical and intolerant, than those of Bogotá and Quito; but when you come to know them intimately, you will discover that they are not less disposed to accept without doubt or question the doctrines and teachings of the Church. They generally believe whatever the parish priest tells them. Their wonder may be excited, but their credulity is never staggered by any story, however extravagant, provided only that it is miraculous or supernatural. Their simple, child-like faith, so far from exciting derision, appeals to sympathy, and can hardly fail to excite admiration. We may not be able to fully enter into their feelings; our conceptions of man's relations to God and to the spiritual world may be on a higher and more philosophical plane of thought, yet we can hardly fail to remember that forms of religion, like forms of government, are good or bad only as they are well or ill adapted to the present condition and wants of the masses.

## CHAPTER XVIII

### “WHERE IS VENEZUELA?”

**I**N December, 1892, a Western member of the United States Congress arose in his place and seriously asked, “Where is Venezuela anyhow?” This was pending a proposition to consolidate the missions to Venezuela and Guatemala, the impression being that the two republics were adjacent countries! Another member, equally well up in geography, and equally enthusiastic in his advocacy of “economy,” wanted to consolidate the missions to Venezuela, Ecuador, and Peru. It was during the same year that a St. Louis merchant wrote to our minister at Caracas to find out “the most available Venezuelan seaport on the Pacific.” A cattle-dealer in Colorado had just written to inquire “whether, in order to visit Maracaybo, it would be necessary to sail *via* Europe.” And, soon afterwards, a tobacconist in Virginia wrote to ask “whether it would be advisable to ship samples *via* the isthmus of Panama!”

All these were actual occurrences, incredible as the statement may now seem; and they are cited here only for the purpose of illustrating how little was generally known of that country prior to the intervention of the United States in the Anglo-Venezuelan boundary dispute in 1895-96. There had been complaints about the bulk of the South American trade going to Europe; but even some of our Congressmen, it seems, knew not

whether Venezuela was north or south of the equator, or whether the capital of the Republic was on the Atlantic or Pacific seaboard. It was not till after the agitation of the Guayana boundary question that the mass of American readers discovered that Venezuela is our nearest neighbor but one; that Caracas is less than eight days' travel from Washington; that its principal seaport towns are only about six days' sail from New York, and less than four from Savannah and Charleston; and that the capitals of Guatemala, Ecuador, and Peru are practically as far from Caracas as is Rome from St. Petersburg.

A glance at any good map of the South American continent will show that Venezuela occupies its northernmost extremity; and that La Guayra and Cumuná are further north than the isthmian cities of Colon and Panama. The Republic is bounded on the west and southwest by Colombia, east and southeast by British Guiana, south by Brazil and Colombia, and north by the Atlantic ocean and the Caribbean sea. And if we care to make the calculation, we shall discover that “the little Republic” comprises an area of territory greater than that of either France or Germany, and greater than that of Italy and Spain combined.

The peculiar topographical conformation of the country affords almost every variety of climate within the compass of a few miles, and every species and variety of vegetal product common to the three zones of the earth. It is traversed by some of the largest rivers of the world, and abounds with great inland lakes of fresh water, often at altitudes which afford a temperate and equable climate. If we could take a bird's-eye view of the country, we should see dizzy ridges of snow-capped mountains, deep tropical valleys, rolling steppes, vast treeless plains, dense forests yet unexplored by

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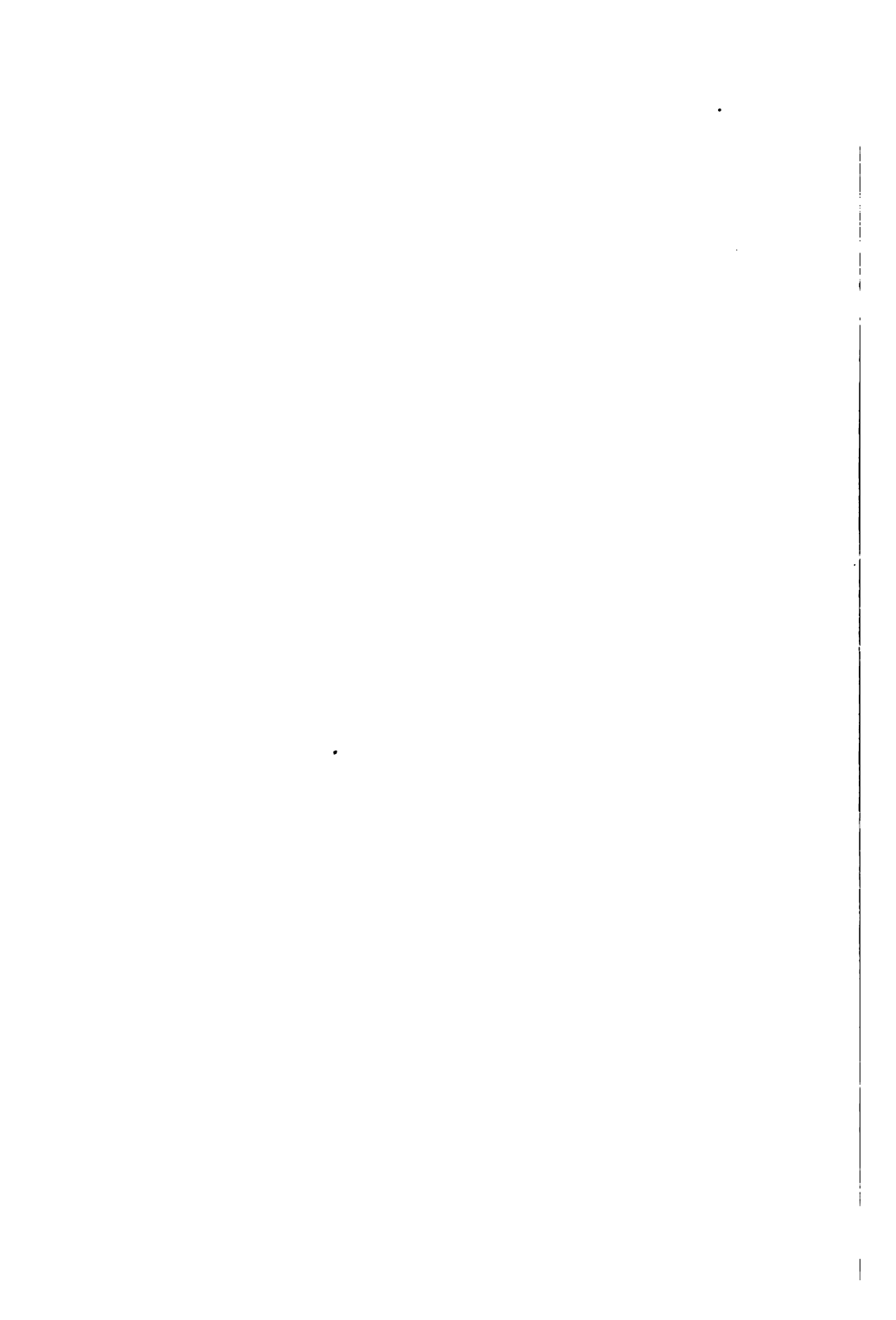
civilized man, swamps and jungles inhabited only by reptiles and wild beasts, millions of domestic cattle grazing upon vast prairies, great coffee estates side by side, with sugar and tobacco plantations, and auriferous districts richer in gold and silver and precious stones than those of California or Australia.

Many of the large rivers are navigable by heavy steamers all the year round, and some of them traverse the entire Republic from side to side. Nearly a hundred of them flow, in circuitous courses, to the Caribbean Sea; as many more flow into the Gulf of Paria; more than fifty disembogue into Lake Maracaybo; and some half dozen others flow into the beautiful inland lake of Valencia. Few countries are so well watered; few have so many fine harbors and navigable caños; and perhaps none have such alternations of rich alluvial soil, upland forests, and mountains of mineral wealth. It is indeed strange that, in this material age, the possibilities of such a country should be a matter of such indifference to the industrial and commercial world.

The chief river is the great Orinoco, which, with its two hundred tributaries and its twelve thousand square miles of delta, is the key to nearly a quarter of the South American continent. The river is to Venezuela what the great Yangtze is to China, what the Amazon is to Brazil, what the Magdalena is to Colombia, what the Mississippi is to the United States. One of the affluents of the Orinoco is connected by a natural channel with an affluent of the Amazon; another, starting from the eastern spur of the Imataca mountains, and flowing eastward through the coast region, connects the great Delta with the Moroco; another, with its sources in the Chema mountains on the borders of Colombia, flows eastward through the heart of Venezuela and disembogues 400 miles above the head of the Delta, —



WATER-FRONT, ANGOSTURA (CIUDAD BOLÍVAR), ON THE ORINOCO





thus practically connecting the eastern and western extremities of the Republic by inland water navigation; another, with its sources in the great eastern cordillera near Bogotá, connects the interior of Colombia with eastern Venezuela, and thence by the main channel of the Orinoco with the Gulf of Paria.

Topographically, Venezuela is divided into three great natural belts or zones, which may be designated as the agricultural, the pastoral, and the forest belts. The best agricultural region lies between the coast and the great Parima range of mountains, — a vast and diversified area of deep valleys, elevated tablelands, and alluvial flats. Here, every cereal common to both temperate and torrid zone of the earth may be produced. It is the home of the potato, of the cotton plant, of the coffee shrub, of the delicate indigo plant, of the orange and citron, of the perennial banana, or of the cereals of the north temperate zone, according to relative altitudes, and all within the compass of a few leagues. Within this belt are the seaport towns and the principal agricultural and commercial interests of the country; and it therefore goes without saying that this is the most populous and civilized portion of the Republic.

The pastoral zone, extending from the Parima mountain range to the Orinoco and Apure rivers, consists of extensive *llanos*, or plains, where the pasturage is luxuriant and perennial, and great herds of cattle are reared with little or no expense. Here the vast interest of cattle-breeding is under regulations similar to those in the grazing regions of Texas and Colorado; and in a few years the frugal owner finds himself in possession of a handsome little fortune through the natural increase of his herds.

The forest zone extends from the valley of the upper Orinoco to the northern limits of Brazil, and is, for the

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most part, an unsettled and comparatively unexplored country, traversed by great rivers and clothed with virgin forest. Here the native Indian has been hitherto comparatively free from the intrusions of the white settler, and still finds a congenial habitat in hunting-grounds that are seldom trespassed upon. The commercial products of this frontier region consist of copaiba, serrapeas, or "Tonca beans," vanilla, mahogany, and other cabinet woods.

Although high mountains meet the eye in almost every direction, there are really but three well-defined ranges. The first to attract attention is the celebrated coast range, which extends from the vicinity of Lake Maracaybo on the west, to the Gulf of Paria on the east, and thence to within a few miles of the Essequibo estuaries. This range runs parallel with the Caribbean and the Atlantic shores, and attains its greatest altitude near the city of Caracas. Here the noted peak of *La Silla* (so-called from its fancied resemblance to a cavalry saddle) reaches up to the height of 8,622 feet above the sea-level. Just beyond, a few miles to the eastward, is the still higher peak of *Naiquate*, 9,180 feet above the sea, — the highest point of the Andes on the Atlantic coast.

Running parallel with this coast range, and some seventy-five or eighty miles south of it, is the great Parima range, which forms the southern boundary of the agricultural zone. The highest peaks of this range are Peñon-Maraguapa, Quinta, and Zamora, respectively 8,202, 7,405, and 7,349 feet above sea-level.

Nearly at right angles with these two ranges is the great eastern cordillera of the Andes, which, bending northward from the vicinity of Pamplona in Colombia, branches out into two dizzy ridges a few leagues to the south of Maracaybo. One of these extends to the

peninsula of Goajira, the other intersects the coast range near Puerto Cabello, and attains its greatest height near the beautiful little city of Barquisemeto, where it towers 15,000 feet above the sea-level, and is covered with perpetual snow and ice.

The snow limit in this region is at about 13,500 feet elevation, although, in exceptionally warm seasons, the snow and ice disappear temporarily at an altitude of 14,500 feet. Of course at these great altitudes there is almost no vegetation; but at the height of two and three thousand feet the climate is delightful and vegetation abundant, the thermometer seldom falling below 65 degrees or rising above 78 degrees Fah. This is the natural habitat of the best grades of coffee, and seems to be generally well adapted to the cereals and other products of the north temperate zone. Below an altitude of 1,800 feet, and thence down to sea-level, the temperature ranges from 78 to 94 degrees Fah. This is the natural home of the sugar-cane and tobacco plant, the chocolate bean and cocoa-nut palm, and all varieties of tropical fruits and flowers.

The average annual temperature of any given locality is dependent, of course, upon its altitude. Thus at Caracas, 3,000 feet above sea-level, the mean temperature is about 70 degrees Fah. At Merida, 5,000 feet elevation, it is about 60 degrees. At Barcelona, 42 feet elevation, it is about 82 degrees. At Barquisemeto, 1,700 feet elevation, it is about 77 degrees. At Ciudad Bolívar (Angostura), on the Orinoco river, 190 feet elevation, it is about 83 degrees.

There are but two well-defined seasons in any portion of the Republic, namely, the “wet” and the “dry.” The last named begins in October and ends with March; the first commences in April and ends in October. Except at great altitudes, there are never any frosts;

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and even in the lowlands and on the coast, where the heat is most intense, sunstroke, or heat apoplexy, is almost unknown.

Here, then, is a country in which, as in Colombia, nature seems to have been peculiarly lavish in her bounties; while its favored geographical position places it in easy communication with the outside world, thus giving the little Republic many commercial advantages which Colombia does not possess. Both countries are great in future possibilities, but Venezuela is perhaps the greater. As yet both are but sparsely populated; both have been delayed in progress by unstable government; both are more than half a century behind the age. These conditions cannot long continue. In the present age of the world, when the struggle for subsistence has become one of serious moment in many parts of Europe and Asia, such countries as Colombia and Venezuela cannot remain unnoticed many decades longer. Civilization will demand their development. And it is to be hoped that, profiting by the lessons of history, the people of both will realize the necessity of stable government as the one condition precedent to anything like national prosperity, if not to national existence itself.

## CHAPTER XIX

### STAPLE PRODUCTS OF VENEZUELA

**T**HE agricultural districts of Venezuela comprise an area of something over 30,000 square miles, and lie as I have said, within the three parallel valleys between the coast and the great Parima ranges of mountains. These valleys are at altitudes of from 1,200 to 3,500 feet above sea-level, and therefore have for the most part an equable and temperate climate. The soil is generally a dark loam, easily cultivated, and seldom suffers from protracted droughts. They are rarely visited by fevers, and are generally considered healthful. A large portion of each of them is connected with the outside world by water navigation. Their present products are sugar, tobacco, maize, rice, wheat, barley, potatoes, and a little cotton of very inferior quality. Among the possible products would be a high grade of cotton, and all the cereals and vegetables of the north temperate zone.

During the civil war in the United States, cotton culture in this region received quite an impetus, especially in the immediate vicinity of Lake Valencia, where both climate and soil are peculiarly well adapted to the plant; and even after the close of that war, a number of experienced planters from our Gulf States, who had become disgusted with the new order of things at home, leased large tracts of land in Venezuela

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and entered quite extensively into the business of cotton growing. They did very well for a time, but a "revolution" broke out in 1869-70, which caused them to lose two crops in succession. Many of them lost everything. Very soon they became discouraged; and those who were able, returned to the United States wiser but poorer men. Since then, the industry has fallen into complete decadence, and not a bale of cotton is now raised for export. With a stable government, Venezuela would probably become one of the cotton-producing countries of the world, for the climate and soil are, as I have said, peculiarly well adapted to this class of industry. The cotton plant here grows to the dimensions of a large bush, and annual replanting is seldom necessary. One good stand will last for several years, and with proper attention the fibre can be made equal to that of our average Georgia or Texas cotton.

In many parts of Venezuela the sugar-cane is indigenous, and gives an enormous yield with very little cultivation. There are some very fine sugar plantations, especially in the small valleys near the coast; but little or no sugar is raised for export, and the article is consumed in a crude state. It is usually moulded into cylindrical blocks, called *papalon*, weighing from three to five pounds each, and is very similar in appearance and taste to the best maple sugar of the United States. The tax on the importation of all foreign refined sugars amounts to practical prohibition; and yet there is not a sugar refinery worthy of the name in all the Republic.

It has been asserted by those who are generally accepted as authority on the subject, that the tobacco plant (*Nicotiana rustica*) is a native of tropical America. It has been likewise asserted, with equal confidence,

that the plant is indigenous to southern Asia. It is now well known that the use of tobacco in all its forms was common in China many centuries before America was discovered by Europeans. The probabilities are that some varieties of the plant (for there are several) are indigenous to the tropical and subtropical latitudes of both continents, and that whilst it may be successfully cultivated in high latitudes, even as far north as Canada, its natural home is in the tropics. This is demonstrated by the fact that the plant soon deteriorates in high latitudes, and requires frequent reseeded from the tropical and subtropical regions.

Tobacco, as is well known, was a native product not only of the West India islands, but of North America as far as Canada, at the time of the discovery of the continent. The same is true of aboriginal South America, from the isthmus to Cape Horn. Indeed, no tribe of American Indians has ever yet been found, in either hemisphere, who did not use tobacco in some form or other, or whose traditions did not ascribe its use to the remotest antiquity. With many of the Central and South American tribes, the use of tobacco had a religious significance, and was intimately connected with their forms of worship. According to their religious belief, the "Great Spirit" smelled a sweet savor as the smoke of the sacred plant (for they held it sacred) ascended to the heavens; and thus they sought to propitiate the favor of the Deity by a habit now regarded by us as a mere selfish luxury. It has been asserted — and so oft repeated as to become generally accepted — that the domestic tobacco plant and its use originated with the natives of Yucatan; that it was thence disseminated by the Spaniards through the West Indies, and from there introduced into Venezuela and Colombia. But this cannot be made to accord

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with the known fact that Columbus found the natives of the West Indies cultivating and using tobacco some two years before Yucatan was discovered; or with the further fact, testified to by Ojeda and others, that in 1499 the tobacco culture and habit were already very general among the Indians of the Venezuelan coast. Another very significant fact is that the district of Capadare, in Venezuela, and those of Jirado and Ambalema, in Colombia, where the finest quality of tobacco is now grown, are precisely the localities where the plant was most assiduously cultivated by the aborigines at the time of the Spanish discovery and conquest.

The plant thrives best in a humid and moderately fertilized soil, like that in the vicinity of the Venezuelan coast or in the upper valley of the Magdalena in Colombia. If the soil is too light and sandy, the plant "fires" quickly under a tropical sun, and the yield and quality are both bad. If the soil is too rich, the yield may be good, but the quality is inferior, the fibre being loaded with acid matter, which produces excessive fermentation and what is called "mould" in the process of curing.

In some of the mountainous districts of the interior, both in Venezuela and Colombia, the Indians use tobacco in a peculiar form. They boil the leaves and stems of the plant into the consistency of thick paste, which they chew as common chewing gum is used in the United States. But aside from this, I believe I never saw or heard of a Venezuelan or Colombian, white or colored, who used tobacco other than for smoking or snuffing.

Tobacco is exported in considerable quantities from both Venezuela and Colombia, and, in some instances, the quality is perhaps nearly as good as the best in



Cuba. This, I am aware, will seem an exaggerated statement; but it is, nevertheless, a fact easy of verification. I have known old smokers who were considered good judges of tobacco, to express a preference for the best brands of Ambalema cigars to those of the celebrated *Vuelto Abajo* estates in Cuba; and I have known others, supposed to be equally competent to judge, to smoke Ambalema cigars under the impression that they were "clear Havanas." I remember one instance in particular, in Washington City, where an old smoker once mistook an "Ambalema," which cost less than \$8 per hundred, for the highest priced Havana cigar. It is now generally well known to the trade that about half the so-called "Havana cigars," sold in European shops — and especially in Germany — are really made of tobacco grown in San Domingo, Venezuela, and Colombia. Still people go on paying for a mere name, quite regardless of quality or price. They will buy a 25 cent cigar at some fashionable restaurant, merely because it is labelled "Havana," when the probabilities are they are paying for a Capadare or an Ambalema cigar, which might otherwise have been bought for 10 or 15 cents. A thrifty tobaccoist of Caracas once told me that, in order to meet the wants of transient Americans and Englishmen who would have none but "clear Havanas," he sent small lots of his best tobacco to Havana, and had it manufactured there into choice brands, and then shipped back to him under consular invoice. Only in this way could he satisfy the caprices of the market, and of course he found the arrangement very profitable.

But the great staple product of Venezuela is coffee, which is to that country what wheat and cotton are to ours. In 1891 there were something over 450,000 acres devoted to coffee culture alone, to say nothing

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of the great number of sporadic plants cultivated in the private gardens and lawns in urban districts. At the usual estimate, this would give an aggregate of nearly 200,000,000 trees, yielding, annually, about 150,000,000 pounds, which, at the then minimum market price, was worth about \$14,800,000 in the gold coin of the United States.

As to quality, whilst it is generally admitted to be inferior in flavor to the best Mocha or Java, it is certainly very far superior to any that is produced in Brazil; and if we except that of the celebrated Chimbi estates, in the remote interior of Colombia, it is perhaps superior to any produced elsewhere on the continent. But the finest grade of Venezuelan and Colombian coffee rarely or never finds its way to the United States. It is usually bought up early in the season and shipped to Europe, where it commands an exceptionally high price, and is sometimes retailed to consumers as "Java" or "Mocha."

In its wild state the coffee-tree is a slender shrub from twelve to twenty feet high, and has thick branches. In cultivation it is seldom allowed to become more than six or ten feet high, and is made to assume a pyramidal form, with thick horizontal branches from base to top. The leaves are perennial, dark emerald green in color, and grow opposite each other on the long slender branches. The flowers are small, closely clustered in the axils of the leaves, perfectly white, and exceedingly beautiful and fragrant. The fruit when ripe is of a dark scarlet color, and the seeds, as every one knows, are semi-elliptic in form, and of a hard and horny substance. The natural habitat of the tree is a moist, tropical atmosphere, on mountain slopes at altitudes ranging from 3,000 to 7,000 feet above sea-level, where there is an even temperature of

from 60 to 70 degrees Fahrenheit. The topography of the ground is not otherwise essential to a good coffee plantation. Wherever a foothold is found among the crags and crevices of the rocks, there a coffee-tree may be successfully cultivated.

At an altitude of about 2,000 feet, vegetation in Venezuela begins to assume a rare luxuriance; the soil is dark, loamy, and rich, and the atmosphere cool and exhilarating. These favorable conditions to the coffee plant steadily increase as we ascend the greater altitudes, till we reach an elevation of 7,000 or 8,000 feet. Hence the soil and climate of a wide stretch of country in Venezuela fulfil all the conditions desired by the experienced coffee planter. After carefully clearing away all the thick undergrowth, he plants his young trees about eight feet apart, in parallel rows about thirty feet apart. The young plant must have an abundance of shade, and when there are not left standing sufficient native forest trees for this purpose, shade trees of rapid growth are set out between the rows. Until these attain sufficient growth to afford the required shade, banana stocks are set out near each young plant; so that whilst waiting for his coffee plants to reach the bearing age, the proprietor usually realizes a very handsome income from his banana crop. At about three years of age, the coffee plant begins to bear. It attains to its full maturity at from six to eight years of age, and continues to yield full crops till it is about thirty, when decadence usually sets in. The trees are then gradually replaced by young plants.

When the tree arrives at full maturity, it requires very little attention; so that after about the first five or six years the planter is at little or no expense except in harvesting and preparing his coffee for market. A

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fair average crop is about 700 pounds to the acre; the cost of harvesting and hulling and sacking is rarely more than \$5 per sack of 110 pounds each. The wholesale market price per sack ranges from \$17 to \$21, thus giving a net profit to the planter of from \$12 to \$16 per sack. There are planters in Venezuela whose net income from their coffee estates alone is sometimes over \$90,000 annually, or say about 80 per cent on the actual investment, made some eight or ten years before. But perhaps the very next year they may lose nearly everything by a local or general "revolution." Indeed, that is by no means an unusual occurrence either in Venezuela or Colombia, and the fact is mentioned in this connection merely to show that there are two sides to the picture. Still, it is undoubtedly true that, all things considered, a good coffee plantation, convenient to market, is about the best piece of property a man can own in either country.<sup>1</sup>

Another profitable industry in Venezuela is the cultivation of *Theobroma*, or chocolate plant. It is indigenous to the soil of both Venezuela and Colombia, and its fruit is, as every one knows, the chocolate bean of commerce. The average height of the plant is about thirteen feet; its average diameter at the ground about eight inches. It requires more care and attention than the coffee plant, but the fruit itself requires less labor in its preparation for market. For full development and remunerative crops, the plant requires an even

<sup>1</sup> Within the past decade there has appeared in Ceylon, and still more recently in Java, a coffee plant disease as yet unknown in South and Central America. I allude to the rust fungus (*Hemileia vastatrix*) which destroys the foliage on the coffee plantations in whole districts, year after year. This (and not adverse local legislation, as has been asserted) satisfactorily accounts for the decrease of the coffee product of those islands during the past few years.

temperature of about 80 degrees Fah., and a damp rich soil. Hence the available area being thus limited, the cacão planter has little fear of that fierce competition which is already being encountered in the coffee culture, whilst the annual average profit on the original investment is equally good, if not better.

The cacão plantation is set out in very much the same manner as an apple or peach orchard, except that the young stocks or slips may be transplanted from the nursery at two months of age. One acre will accommodate about one hundred plants, which, like the coffee-tree, requires shade. And, in addition to the shade, there must be constant and regular irrigation. This is usually accomplished by means of small trenches into which little streams of water are diverted from some creek or river conveniently near. At five years of age, the plant begins to bear, and will produce two crops annually, ripening in the months of June and December. The average life of the plant is about forty years, and the average crop about 600 pounds per acre. The fruit is a crescent-shaped pod, from ten to twelve inches long, and grows from the lower trunk as well as from the branches. In its green state, it looks very much like a cucumber, except that it is much longer. When ripe, it is of a reddish-brown color, especially on the side exposed to the sunlight. When fully ripe, these pods are gathered and thrown together in heaps on the ground, where, after a few days, they ferment and burst. The bean—which looks somewhat like a large almond, except that it is smooth, bright, and glossy—is then shelled out, ground into powder, and thus prepared for market.

For many years past, the European demand for cacão has been large, regular, and constantly increasing. Even in the United States, where the consump-

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tion has hitherto been insignificant, the demand is steadily increasing. In southern Europe and in Mexico, as in fact in all Spanish-American countries, cacão, in the form of prepared chocolate, is in common use by all classes; while in France, Germany, England, Russia, and the United States, it is employed chiefly in the manufacture of confections. Its use has become so varied and extensive that it is already a world staple of commerce, like tea and coffee; and the annual export, from Venezuela alone, amounts in value from \$1,600,000 to \$2,000,000. During the year 1890, it amounted to nearly \$2,000,000, and it continued to increase until the breaking out of the civil war of 1892.

## CHAPTER XX

### MINERAL RESOURCES OF VENEZUELA

VENEZUELA, like Colombia, is peculiarly rich in minerals, and some of the richest gold mines in both countries have been profitably worked for more than two centuries. Early in the sixteenth century, Spanish prospectors searched the Caribbean coast and on the margins of the great rivers for gold deposits; and it was by these prospectors that the mines of Buria and San Pedro were first discovered, and the first white settlements made at Barquisemeto and Nirgua. These rich mines continued to be somewhat crudely though profitably worked under the old Spanish regime through the seventeenth and eighteenth centuries, but were abandoned after the great earthquake of 1812, which obstructed the shafts and totally destroyed the mining property. In 1560, the same Fajardo (or Faxardo) who made the first attempt to found the city of Caracas discovered the gold mines of Los Teques; but owing to the hostility of the Indians, who killed his miners and destroyed his works, he was soon forced to abandon the enterprise and seek safety on the coast. Some twenty years later, another company of Spaniards discovered the marvellously rich gold fields on the Tuy river, which, however, were soon abandoned owing to the insalubrity of the climate and the hostile character of neighboring tribes of Indians.

Since then, gold has been discovered in nearly every province and district of the Republic. But the deposits

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of greatest extent and value are those recently found in the territories of Guayana, east of the Orinoco. There are abundant outcroppings of gold-bearing quartz in the entire region between the river Cuyuni and the province of Barcelona, and also in the valleys of the western tributaries of the Orinoco as far inland as the Colombian border. The mines of San Felipe, Nirgua, Barcelona, Callão, and Carupino have yielded as much as seven and eight ounces of pure gold per ton. During the years 1880, 1890, 1891, the smallest product of these mines was about \$920,000, and the largest about \$3,400,000, — the average annual yield being about \$2,160,000.

Copper deposits are abundant in many parts of the Republic, but hitherto not much disturbed. Those in the foot-hills near San Felipe, some seventy miles distant from Puerto Cabello, have been very successfully worked by an English company, and there are said to be equally rich, but as yet undeveloped mines of this metal in the vicinity of Coro, Carabobo, Barquisemeto, and Merida. In the decade from 1880 to 1890, the largest annual product of copper was about 30,000 tons, valued at \$1,162,000; the smallest annual product, during the same period, being about 10,000 tons, valued at \$175,000.

In various parts of the Republic, but more particularly in the foot-hills of the Parima range of mountains, there are rich deposits of red hematite and magnetic iron; but the most valuable deposits of this metal are found in the valley of the river Imataca, an important affluent of the great Orinoco, in part of the territory recently claimed by Great Britain. Here the ore is found in great quantities, generally near the surface, and has been assayed as high as eighty per cent of pure metal. The beds of ore are near the margins of the



river, which is navigable for some distance above, and are easily worked at comparatively little expense.

Asphaltum of very superior quality, and in apparently inexhaustible quantities, is found near the Pedernales river, one of the estuaries of the Orinoco, and also in smaller deposits near Maracaybo, Merida, and Coro, in the western part of the Republic. That which has been recently discovered in the Orinoco delta, and on the little island of Pedernales near by, is a very superior quality. It differs from the asphaltum of Trinidad in that it is more liquid, and contains less earthy matter. The pitch is found in a series of little springs or fountains in conjunction with pure fresh water, and forms a flooring of several feet in depth. As taken from the mines, the pitch is a thick, jetty black, viscous mass, almost odorless, and very adherent. The process of preparing it for market is simple and inexpensive, the pitch merely requiring to be boiled so as to eliminate the higher volatiles and all contained moisture. The refining process may be carried to the extent of complete carbonization. The deposits at La Brea, in Trinidad, unlike those in the Orinoco delta, contain a large percentage of earthy matter which is difficult of separation from the pure pitch. These impurities add largely to the weight, and consequently to the cost of transportation; and whilst this extraneous matter, so difficult of elimination, is little detriment to the many uses of the material, it effectually debars it from others to which pure asphaltum is now applied in the various arts.

Perhaps the most extensive and valuable coal deposits yet discovered in the Republic are those near the old city of Barcelona, in the state, or province, of Bermudez. The area of these deposits is still but imperfectly explored, but enough is known to warrant the belief that they are both very extensive and very rich. There are

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more than a hundred outcroppings of pure coal strata, most of them of apparently regular formation, varying from four inches to six and seven feet in thickness. These strata are generally located between thin layers of sandstone and schist, and run in general direction east and west, dipping to the southward. The veins often crop out several feet above the level of the navigable streams near which they are located, are easily mined from horizontal tunnels, and the coal loaded upon surface cars, — thus avoiding the expense of pumping and lifting appliances. The quality of this coal is reasonably good; it ignites readily, and is well adapted for purposes of steam-power. In the mining and transportation, it loses about 25 per cent in dust; but this waste is easily recovered and utilized by the recently adopted process of manufacturing "block coal," or "patent fuel," as it is called, out of the dust refuse.

Rich mines of rock salt were discovered on the peninsula of Aroya as early as 1500. The mines have been worked at intervals ever since, and generally with great success. At present the government of Venezuela derives from them an annual income of nearly two million dollars. The deposit is almost pure salt, and is mined at comparatively small expense.

Near the little city of Merida, in the western part of the Republic, is a lake of singular conformation, the bottom of which is a thick crust of sesqui-carbonate of soda. In the vicinity of Coro, a little to the northward, as also at Cumaná and Barcelona, are extensive but as yet imperfectly developed mines of almost pure sulphur. Mines of jet, and also deposits of porcelain clay, have been discovered near Caracas and in the vicinity of Cumaná. The base and foot-hills of Mounts Silla and Naiguatate, near the national capital, abound with white granite of very superior quality, but as yet very little utilized.

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Thermal and mineral waters are found in nearly every province of the Republic. The celebrated geysers of Los Trincheras, on the line of the new railway between Puerto Cabello and Valencia, are especially noted for the high temperature of their waters, which is never below 200° Fah., and is sometimes as high as 206°. The celebrated Urijino Springs, in Japan, have a temperature of 212° Fah., but, with this single exception, I believe those of Los Trincheras, in Venezuela, are the hottest in the known world. Very little less remarkable are the celebrated springs near Coro, where upwards of thirty different streams have formed beds of white, dish-shaped basins of a peculiar substance. The waters are of various odors and colors, contain many varieties of mineral substance, and maintain temperatures of from 41° to 151° Fah.

## CHAPTER XXI

### A WORD ABOUT THE MONROE DOCTRINE

OUR relations with the South American states, and the frequent invocation by them, of what is known as the "Monroe Doctrine," make it desirable to obtain, if possible, some clear and definite idea of its source and meaning; for, singularly enough, there has been some diversity of opinion, even in this country, as to both its origin and import.

The generally accepted opinion in this country is, that the Monroe Doctrine originated with President Monroe, and was first promulgated in his celebrated message to Congress in December, 1823. But this is at least doubtful; for substantially the same principles had been enunciated by John Quincy Adams nearly three years before. I allude, of course, to the declaration made by Mr. Adams to the British minister at Washington on the occasion of the suggestion by Russia that the United States should join the "Holy Alliance."<sup>1</sup> And substantially the same declaration was made by Mr. Adams two years later, first in an instruction to Mr. Rush, our minister at London, and afterwards in the course of a personal conference with Baron Tüyl, the Russian minister at Washington.<sup>2</sup>

But it is doubtful whether even Mr. Adams was the first to conceive and give expression to the principles

<sup>1</sup> Whart. Dig. Int. Law, I., Ch. iii. sec. 57.

<sup>2</sup> Adams' Mem. 163; Tucker's Monroe Doctrine, pp. 12-14.

now known as the Monroe Doctrine; for they had been clearly foreshadowed, if not distinctly outlined, twenty-three years before by President Washington in his Farewell Address to the people of the United States. Nor can they be said to have been original even in that address, though they seem to have originated with its author. It is well known that, from the date of the first organization of the government under the federal Constitution of 1787, the new Republic had been beset by foreign agents who sought to commit it, first, to the quixotic schemes of the French democrats, and afterwards to the cause of France in her war with England. Even Thomas Jefferson covertly favored this project; and in this, as in other vagaries, he had many followers, not only in Virginia, but in other states of the Union. But Washington stood firm against all these importunities, and by his great personal prestige and influence committed the infant government to the policy of non-intervention in the broils of Europe, and to non-interference by Europe in the affairs of America.

I think it is fair to assume, therefore, that the American policy and principles of neutrality formulated in President Monroe's message of 1823, are coeval with the very existence of our government itself. They were the logical sequences of the declaration of 1776, and of the treaty of peace of 1783. They were incident to the character of our republican institutions, were evolved by the outgrowth of a national public sentiment, and rendered practicable by our isolated geographical position.

It had long been the conceded right of every European state to increase its dominions by pacific means; but this right was qualified by the acknowledged right of interference for the preservation of what was known as the "balance of power." That is to say, whenever

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the ambitious designs of any European ruler tended to the disturbance of the proper distribution of power, other European sovereigns had the right to interfere to prevent it. This, however, was not held to prohibit the acquisition of unoccupied territory outside the limits of Europe, nor to prohibit the acquisition of sovereignty over states beyond those limits; because such acquisitions were supposed to have no appreciable influence on European politics. And this right of intervention for the preservation of "the balance of power," as thus understood, had received full confirmation by positive acts. Thus, at the time of the French Revolution, several European sovereigns had avowed the right to put down any revolutionary movement on that continent, even though their aid had not been invoked by the legitimate government; and this claim was subsequently made good by actual armed intervention in the affairs of France, which resulted in the final overthrow of Napoleon I.

Soon thereafter a league was formed by Austria, Russia, and Prussia, known as the "Holy Alliance," the declared purpose of which was the regulation of the relations of Christian countries by the principles of Christian charity, — its real object being the preservation and extension of the power and influence of existing European dynasties. It subsequently received the moral support of nearly every nation of Europe, including both England and France; and in virtue of its power and influence, the army of occupation was removed from France, and the revolutions in Piedmont and Naples were crushed out.

In October, 1822, this league held its celebrated Congress at Verona, at which, however, England was not represented, owing to some differences that had arisen at the previous conferences at Paris and Aix-la-

Chapelle. Just what those differences were in detail, does not now concern us; but the suspicion had become general that the so-called "Holy Alliance" contemplated the reconquest of the Spanish-American colonies, and England's trade with those colonies had already become considerable since the recognition of their independence by the United States. It was but natural, therefore, that, while England had little sympathy with the new governments, and had therefore failed to recognize them, she should oppose a measure which involved the readoption of the old Spanish restrictive policy whereby her trade had been excluded. That the reconquest of the Spanish-American colonies was proposed and discussed at the Conference of Verona was generally believed at the time; but this fact did not come out very clearly until some months later, when it was announced that only portions of those colonies were to be restored to their Spanish allegiance, while the others were to be divided among the allies.

In view of these facts, and of the general apprehension which followed, President Monroe in his message to Congress, of December 2, 1823, declared, with the purpose of giving formal notice to Europe, that thenceforth no portion of the American continent would be deemed open to European conquest or colonization; and that the government of the United States would consider any attempt to interfere with the sovereignty of the new republics in South America, or any attempt to colonize any portion of America, as imposing upon it an obligation to prevent it. These official utterances became known as the "Monroe Doctrine," the central idea of which was that "America belongs to Americans." Briefly summarized, the Doctrine is this: —

1. No more European colonies on the American con-

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inent; but those already established not to be interfered with;

2. No extension of the European political system to any portion of the American hemisphere; and,

3. No European interposition in the affairs of the Spanish-American republics.

In 1879, it was said by Count de Lesseps, and has been repeated since by those who ought to have known better, that the Monroe Doctrine really had an European origin, the claim being that Mr. Canning, who was then prime minister of England, first proposed it to Mr. Rush, the American minister at London, in August, 1823.

The only foundation for this claim is an alleged "proposal" by Mr. Canning that Great Britain and the United States "publish a joint declaration before Europe" in opposition to the designs of the Holy Alliance "with respect to the Spanish-American colonies," setting forth that while the two governments "did not desire any portion of those colonies for themselves," they would not view with indifference any foreign "intervention in the affairs of those colonies, or their acquisition by any third power." Mr. Rush, in reporting this proposal (which Mr. Canning afterward called a "sounding") to the State Department, stated that, as an inducement to its acceptance, Mr. Canning told him there was going to be a call for a general European congress for the consideration of the Spanish-American question; but that England would take no part in it unless the United States should be represented therein. Mr. Rush's reply to this, as reported by himself, was that "the traditional policy of the United States was opposed to any participation in European affairs"; but that, "with respect to the proposed joint declaration," he would agree to it, on his own responsibility, provided



England would first acknowledge the independence of the Spanish-American republics. This was declined, and the proposed joint declaration was never made.

Moreover, the flimsy pretension that the British premier was the real author of the Monroe Doctrine, is effectually disposed of by Mr. Canning himself. In an official communication dated December 21, 1823, addressed to Sir William á Court, British minister at Madrid, he said: "Monarchy in Mexico and Brazil would cure the evils of universal democracy and prevent the drawing of a demarkation which I most dread, namely, America versus Europe." And, speaking of his conference with Mr. Rush, he said, "While I was yet hesitating, in September last, what shape to give the declaration and protest, I *sounded*<sup>1</sup> Mr. Rush, the American minister here, as to his powers and disposition to join in any step which we might take to prevent a hostile enterprise by European powers against Spanish-America. He had no powers; but he would have taken upon himself to join us, if we would have begun by recognizing the independence of the Spanish-American states. This we could not do, and so we went on without. But I have no doubt that his report to his government of this *sounding*, which he probably represented as an overture, had something to do in hastening the explicit declaration of the President."<sup>2</sup>

As remarked by his biographer, Mr. Canning's position was, that Great Britain would not willingly see the Holy Alliance interfere "on behalf of Spain in her contest with her American colonies"; and it is significantly added that, "so far from assenting to the proposition that the 'unoccupied parts of America are no longer open to colonization by Europe,' Mr. Canning

<sup>1</sup> The italics are in Mr. Canning's note.

<sup>2</sup> Stapleton's *Canning and His Times*, pp. 195-196.

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held distinctly that the United States had no right to take unbrage at the establishment of new colonies from Europe on any such unoccupied parts of the American continent."<sup>1</sup>

The claim put forth by the editor of his "Diary," that John Quincy Adams was the first to formulate the Monroe Doctrine, is not without plausibility.<sup>2</sup> On July 2, 1823, nearly two months before the date of Mr. Canning's "sounding" of Mr. Rush, and fully six months before the date of President Monroe's message, Mr. Adams said, in his letter to Mr. Rush, that the Spanish-American Republics "possess all the rights incident to their autonomy as independent states"; that their territories could be "subject to no exclusive right of navigation in their vicinity, or of access to them by any foreign nation"; that, "as a necessary consequence, the American continents would thenceforth be no longer subject to colonization"; and that, being occupied by civilized nations, they would be "accessible to Europeans, and to each other, on that footing alone." A few days later, that is to say, on the 17th of the same month, as we learn from his "Diary," Mr. Adams told Baron Tüyl that the United States would contest the right of Russia "to any territorial establishment on this continent," and that "we should assume distinctly the principle that the American continents are no longer subjects for any new European colonial establishments."

It has been further suggested that, as a member of President Monroe's cabinet, Mr. Adams was the real author of that portion of the message relating to the Holy Alliance.<sup>3</sup> This is not improbable. Indeed, it

<sup>1</sup> *Ibid.*; Wharton's Digest, par. 57.

<sup>2</sup> Diary, vi. 163.

<sup>3</sup> Tucker's Monroe Doctrine, pp. 12-14.

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has been positively stated, on the authority of Mr. William Plummer (at the time a member of Congress from Pennsylvania), that "after the message had been read in cabinet meeting, the President inquired whether it would not be well to leave out that portion relating to the Holy Alliance." To which Mr. Adams replied as follows: "'Sir, you have my views on that point already, and I see no reason to alter them.' Whereupon Mr. Monroe replied: 'Well, it is written, and I will not now change it.'" <sup>1</sup>

These statements seem to be corroborated by the fact that, before committing his administration to the doctrine which bears his name, Mr. Monroe solicited the opinions of ex-Presidents Madison and Jefferson on the subject. Mr. Madison replied, in substance, that the circumstances of the case, and the relations of the new republics to the United States, were such as to call forth "our efforts to defeat the meditated crusade" by the Holy Alliance. Mr. Jefferson was more explicit. He said: "Our first fundamental maxim should be, never to entangle ourselves in the broils of Europe; and our second should be never to suffer Europe to intermeddle with cis-Atlantic affairs." <sup>2</sup>

That the Monroe Doctrine neither contemplated intervention by the United States in the internal affairs of the Latin-American states, nor interference with any vested European rights on this continent, is manifest from the very words of the declaration itself. It was intended and understood as an authentic protest against any *extension* of European power and influence on this continent; and in this sense only it has always re-

<sup>1</sup> Penna. Mag. of Hist. & Biography, vi., p. 358.

<sup>2</sup> Jefferson's Works, p. 315. It is interesting to note that Jefferson's views on this subject had undergone a healthful change after the collapse of the French Revolution. Before that time, he was insidiously advocating an alliance with France against England.

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sponded to public sentiment in this country. It will have to be admitted, however, that our government has not always given to it that support which the people had a right to expect. The most lamentable instance occurred in 1850, in what is generally known as the "Clayton-Bulwer Treaty," for a proper understanding of which it will be necessary to pass in review the circumstances which led to it.

Something more than a century and a half ago, some British merchants sent out ships and began gathering dyewoods in the forests of Honduras, in Central America. Honduras was then a Spanish possession, and, as there had been no previous concession by Spain, there was a vigorous protest by the Madrid government. Subsequently, however, Spain granted permission to British subjects to gather mahogany and dyewoods; but this concession conveyed no property in the soil, nor any right of eminent domain. It was simply a permit, under certain restrictions, to cut and ship dyewoods and nothing more.

But an English settlement soon sprang up there, without having any declared purpose or fixed boundaries; and after the country became independent this settlement was gradually extended without much regard to the territorial rights and limits of adjacent free states. Very soon the British government pretended to have made a treaty with an insignificant tribe of Indians, called the *Mosquitos*, who inhabited a narrow strip of country on the coast of Honduras, whereby they were guaranteed "protection"; and, in order to give color to this pretension, a half-Indian boy was found who was represented to be the natural son, by a zambo woman, of a former chief of the Mosquito tribe. This motley lad was carried over to Jamaica, where he underwent the farce of a coronation as "king" of the Mosquitos.

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He was then taken back to Honduras and set up as its nominal sovereign,—the real authority being vested in the resident English consul. All this took place at a time when the whole Mosquito coast country was known to be within the territory and jurisdiction of the free state of Nicaragua, and the Mosquitos themselves citizens of that Republic.<sup>1</sup>

This was the condition of affairs in Central America at the time of our war with Mexico. When that war closed, the British government exhausted all means in its power, through its accredited diplomatic agents, to defeat any treaty between Mexico and the United States whereby the latter might acquire any territory on the Pacific coast, protesting all the while that there was no British "colony" in Honduras, and that England's only solicitude in the premises was the fulfilment of her pledge of "protection" to the Mosquito "king." So great, however, was this solicitude for the safety and welfare of the Mosquito "king," that as soon as it became known that the treaty of Guadalupe-Hidalgo had been signed, the British fleet, then stationed at Vera Cruz, hastily set sail for the mouth of the San Juan river, took forcible possession of the little town of San Juan, changed its name to "Greytown," established British authority there, and began to fortify the place.

Of course this was an unprovoked outrage upon Nicaragua; and it revealed, besides, a hostile motive toward the United States, since the San Juan river route was then supposed to be the most available channel of communication between our Atlantic and Pacific coasts. It was, therefore, something akin to a contemptu-

<sup>1</sup> Nicaragua threw off the Spanish yoke and became an autonomous free state in 1821. It subsequently became a member of the federal Union of the Central American states, but, after the dissolution in 1838, resumed its position as a separate republic.

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ous disregard of the very principles of the Monroe Doctrine, of which, according to M. de Lesseps, a British statesman was the real author!

A diplomatic agent was soon sent out from Washington, who negotiated a treaty with Nicaragua, by the provisions of which the United States was invested with the exclusive right to open an inter-oceanic ship canal through the territory of that Republic, together with the right to establish towns and free ports at the termini of the canal, and to fortify the canal itself from sea to sea. In other words, it provided for a canal to be under the exclusive control of the United States. But before this treaty (generally referred to as the "Hise Treaty") could reach Washington, there was a change of administration; and the new cabinet refused to ratify the treaty, or even to refer it to the consideration of the Senate. A new minister was sent out, who negotiated another convention, which provided for a joint control of the proposed canal by the United States and Great Britain! This was unsatisfactory, owing to the ambiguity of certain provisions; and Mr. John M. Clayton, then Secretary of State, opened negotiations with Sir Henry Bulwer, the British minister at Washington, which resulted in the convention of 1850, generally referred to as the "Clayton-Bulwer Treaty." That treaty not only recognized and adopted the scheme for a "joint protectorate," but contained a clause whereby the United States and Great Britain pledged themselves, each to the other, that neither of them would ever "colonize, annex, fortify, or attempt to exercise exclusive control over" any portion of Central America.

Of course this was an egregious blunder, the consequences of which have haunted us for half a century; but there is no warrant for the assertion, sometimes thoughtlessly made, that Mr. Clayton contemplated a

deliberate abandonment of the Monroe Doctrine. Primarily, the object was to secure a pledge from Great Britain not to colonize the isthmus; and secondarily, to stimulate the investment of foreign capital in a great American enterprise at a time when money for such purposes was difficult to obtain. The blunder consisted in thoughtlessly committing the United States government to a constructive recognition of the British *status quo ante* on the isthmus; for England had already established a protectorate in Balize, and was at that very moment exercising jurisdiction within the territory of Nicaragua. Moreover, the provision for a partnership control of the proposed canal, besides being opposed to the traditional policy of the United States, was exceedingly impolitic. For, in the very nature of the case, it would have resulted in endless misunderstandings, and thus, instead of proving a bond of friendship, would have been the source of ever-recurring discord. Fortunately, however, we have about outgrown the consequences of this indiscretion; for it is too manifest for argument that the treaty, in so far as it relates to the *then* projected canal, is now obsolete. And it is equally manifest that the unfortunate provision (in Article 8) for an *agreement to agree* "to extend joint protection to any other practicable communications" across the isthmus, cannot any longer (owing to the change of circumstances and other causes) be insisted upon or enforced.

It has been alleged that the principles of the Monroe Doctrine were violated in the case of Louis Kossuth, the Hungarian exile. Briefly stated, the facts are these: Kossuth had fled to Turkey, in 1849; his extradition was demanded by Austria and Russia; in September, 1851, he embarked on a United States war vessel, which, in accordance with a resolution of the Senate, had been despatched to carry him to this country as

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the guest of the nation. He was formally received with honors by both Houses of Congress; but there was some discussion in both as to whether the course pursued by the government was not a departure from its traditional policy of non-intervention in European affairs.<sup>1</sup> The weight of opinion, however, was that it involved no material departure; because, in the first place, there had been no violation of any rule of international law or comity; and, in the second place, the action of the United States government was not guided or influenced by any obligation to, or any understanding with, any European or other foreign power.<sup>2</sup>

Again, it has been said that the Monroe Doctrine has never received legislative sanction; that the President alone has no right to declare principles obligatory upon foreign nations; consequently, that it can have no real validity. Such an argument merits little consideration. In the first place, Congress has never dissented from any part of the Monroe declaration.<sup>3</sup> On the contrary,

<sup>1</sup> Congressional Globe, xxiv., xxv.

<sup>2</sup> *Ibid.*

<sup>3</sup> The Resolution which passed in the House of Representatives on the subject of the proposed Panama Conference of 1826, cannot be held an exception; for it merely expressed the opinion that the United States ought not to be represented *in that particular Conference* "except in a diplomatic character;" that the United States "ought not to form any alliance with all or any of the South American Republics;" but that "the people of the United States should be left free to act, in any crisis, in such manner as their feelings of friendship towards their sister Republics, and as their own honor and policy, may at the time dictate."

In looking back upon the Panama Conference from this length of time, it is easy to understand why it failed. Unfortunately it struck against the rock of American slavery. One of the questions proposed for discussion in the Conference was "the consideration of the means to be adopted for the entire abolition of the African slave-trade." There was a possibility that the condition of the islands of Cuba and Puerto Rico, then possessions of Spain, and still slave-holding, might be made the subject of discussion and of contemplated action by the Panama Congress. Moreover, Haiti, already a negro Republic, would claim the



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that body is constructively committed to the doctrine as a whole. All resolutions introduced on the subject have been in support of it. That of January, 1824, by Mr. Clay, was never called up; that of June, 1879, by Mr. Burnside, was merely referred; that of December, 1880, by Mr. Crapo, was unanimously sustained by the Committee on Foreign Affairs, but the session closed before the report could be taken up; and with the exception of the Anglo-Venezuelan Resolution of 1896, which passed both Houses without a dissenting vote, there have been no others. In the second place, every lawyer knows that most of the rules of international law derive their authority from *usage* alone; and that the Monroe declaration is a precedent universally acknowledged and accepted by the peoples of both the Americas. It has been confirmed by the declarations of every President of the United States, from Monroe to McKinley, who has ever had occasion to refer to it. It has always been regarded as a matter above and beyond mere party, and has been persistently asserted by leaders of both the great political parties in the United States. Moreover, to say that it has no validity for want of formal legislative sanction, is tantamount to saying that Washington's Farewell Address has none; for neither did that ever receive any formal legislative sanction. And yet every American citizen who knows anything about the po-

right to be represented; and this would have been an awkward dilemma, for there were then some 4,000,000 negro slaves in the United States. The example, it was thought, would have been dangerous to an institution then sanctioned by our Constitution, to say nothing of the prejudices it would have excited. Thus the necessity of preserving the great interests of the Southern States, and of preventing a change in the character of labor in the islands of Cuba and Puerto Rico, lost to us the opportunity of giving permanent direction to the political and commercial connections of the newly enfranchised Spanish-American States, and their trade passed into other hands.

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litical history of his country, or of the annals of our foreign relations, knows that the recommendations in that Address (which embodies the essential principles of the Monroe Doctrine) have shaped the foreign policy of the government for more than a century.

It might be amusing, were the fact less deplorable, to point out some of the crude and exaggerated notions of the nature and scope of the Monroe Doctrine that are entertained in certain of the South American states. There seems to be an impression that it may be successfully invoked to prevent a European nation from enforcing an international obligation against a South American Republic, or for preventing the execution of demands for satisfaction in cases of tort, or for the prevention of interferences in general that are otherwise sanctioned by international usage. The absurdity of such a construction is its own sufficient refutation. And yet, strange to say, on more than one occasion the United States government has been mildly censured, even by some of our own citizens, for not interposing in such cases.

## CHAPTER XXII

### THE MONROE DOCTRINE AND THE MOSQUITO COAST CONTROVERSY

**T**HE seizure of the port of San Juan, and the establishment of a British Protectorate on the Mosquito coast, as related in the preceding chapter, was something more than a contemptuous disregard of the principles of the Monroe Doctrine, something more than an unprovoked outrage upon the sovereignty of a free American state. It was, besides being both these, a deliberate violation of a solemn treaty obligation. This may seem a rather blunt way of putting it, but it will be found that the facts in the case fully justify the statement.

By the treaty of 1783, between England and Spain, Great Britain agreed to withdraw entirely from Central America, and to "forever abandon" any and all claims she might have had to territory there. British *subjects* were granted an extension of their former permission to cut and export mahogany and dyewoods from a narrow strip of territory "between the rivers Balize and Honda," near the Mosquito coast; but this concession conveyed no political rights or privileges, and in no way interfered with Spain's right of eminent domain. It in no way impaired Spain's acknowledged sovereignty and jurisdiction over any part of Central America, or of the adjacent islands.

This was sufficiently manifest from the very terms of the concession itself. But in order to prevent any pos-

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sible misunderstanding on this point, the treaty contained a clause which expressly stipulated that this "permission" or concession to cut and export timber, was never to be construed as "in anywise derogatory to" Spain's "absolute sovereignty," not only over that particular territory, but over *all other* territory in Central America. And, as if to give this still greater emphasis, there was an additional clause whereby England obligated herself "to demolish any fortifications" which had been erected there by her "subjects," and "to prevent the erection of any new ones."

It would have been difficult to make language more explicit. The manifest purpose was to at once and forever do away with any claim or semblance of claim which Great Britain then had, or that she might at any time in the future set up, to any territory, not only on the Mosquito coast, but to any portion of Central America, or to any of the adjacent islands. Or, to quote the words of the treaty itself, the inhibition embraced "the whole of the Spanish-American continent."

Very soon, however, despite these express limitations, the British cabinet began a system of quibbling; and by ingenious and strained constructions sought to render them nugatory. It was claimed that the words "Spanish-American Continent," as employed in the English text of the treaty, were of "such general import as warranted the British government in placing its own construction upon them;" and that consequently, Great Britain had the right "to determine upon prudential reasons" whether the Mosquito coast and the contiguous outlying islands came within the general inhibition.

This led to the explanatory Agreement or supplemental treaty of 1786, which declared, as the sense of

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the treaty of 1783, that his Britannic Majesty's subjects should "at once and forever, and without exception, evacuate," not only the entire Mosquito country, but "the whole of Central America, including all adjacent islands." The privilege previously granted to British *subjects*, to cut and export mahogany and dyewoods, was not to be interfered with; but this was stated to be on the express condition that the territory was to be "indisputably acknowledged to belong of right to His Catholic Majesty the King of Spain. And this was supplemented by another condition of marked significance, namely, that British subjects were not to furnish "any arms or warlike stores to the native Indian occupants," but to refrain from inciting them to "sedition and rebellion" against the Spanish colonial authorities.

Some months afterwards, when the matter came up for discussion in the British House of Lords, a motion to disagree with the terms of the treaty," as thus explained, was defeated by a vote of 53 to 17; and, pending that discussion, all parties were agreed that the treaty of 1783, as interpreted by the Agreement of 1786, "required Great Britain to at once and forever evacuate the entire Mosquito shores." The Parliament, however, with this clear understanding of the treaty, refused to disagree to its provisions; thus ratifying the obligation to "at once and forever abandon" all British claim or pretended claim to any form of territorial dominion or sovereignty in any part of Central America, or to any of the adjacent islands.

The question, then, naturally arises: When and under what circumstances, and by what authority, was this status of the case changed? We search in vain for some clear and satisfactory answer. It can be found neither in any subsequent treaty, nor in any legislative act of either country. The status was certainly not

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changed by the treaty of Amiens, in 1802, nor was it changed in 1809, when England entered into an alliance with Spain against the First Napoleon. It was not changed in 1814, when the commercial treaties between England and Spain were revived, *and those of 1783 and 1786 were expressly and specifically reaffirmed*. Nor was it changed in 1817, when, by a public statute,<sup>1</sup> the English Parliament acknowledged that "the British settlement" in Balize, Mosquito, and other portions of Nicaragua and Honduras were "not within the territory and domain of the British crown." It was not changed two years later when the same declaration was reiterated; nor was it changed as late as 1820, when Captain Bonnycastle of the British navy published his very interesting book in which he described the Mosquito shore as "a tract of country which lies along the northern and eastern coasts of Honduras and Nicaragua, *once claimed by Great Britain, but which she abandoned in 1786 in accordance with treaty obligations,*" etc.

It thus appears that during the period of thirty-four years from 1786 to 1820, the whole Mosquito country, and in fact the whole of Central America, including all the adjacent islands, was acknowledged by Great Britain herself to be the rightful property and domain of the Spanish crown. In other words, from the date of the supplemental treaty of 1786 to the time when the Spanish colonies in Central and South America became free and independent states, Great Britain made no pretension to any form of territorial domain in any part of Central America.

In 1821 the Central American colonies threw off their Spanish allegiance, and asserted and maintained their independence. Nicaragua, till then a Spanish colony, became an autonomous free state. Some years later,

<sup>1</sup> 57 and 59 Geo. III.

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she united with the other revolted colonies in the formation of the Central American federal Union. And when that Union was finally dissolved, in 1838, she resumed her position as a separate and independent state, and was duly recognized in that capacity by the powers of the world.

How did these acts affect the title to the soil and sovereignty of those countries? Surely, at this period of the world's history, it would be a work of supererogation to prove that those provinces, by their successful revolt and acknowledged independence, succeeded, each within its respective limits, to all the territorial rights which the parent country had before the revolt. This is a principle too well established, and too universally acknowledged by civilized nations, to be a matter of controversy. And there is no country more firmly committed to it than is England herself. The instances are numerous and familiar. I shall cite but one, namely, the treaty of December 26, 1826, between Great Britain and Mexico.

Mexico was then but recently a revolted colony of Spain. In the treaty referred to, Great Britain recognized Mexico as the legal successor in title of Spain to all the territorial rights within the limits of the former colony; and she, moreover, solicited and accepted from Mexico a continuance of the "permission" granted to British "subjects" by Spain (in 1786) to cut and export mahogany and dyewoods from Central America. Nor is it material to inquire here whether the particular timber districts named reverted of right to Guatemala, to Nicaragua, to Honduras, or to Mexico; for that involves only a question of limits between the former colonies as they existed under the parent country, and concerned only themselves. No matter how that question should be settled, the recognition by England of

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the legitimate succession in title from Spain, was equally conclusive.

It appears, then, that as early as 1786, Great Britain had abandoned, "unconditionally and forever," any and all claim she then had to any form of territorial sovereignty not only on the Mosquito coast, but elsewhere in Central America; that she tacitly, if not explicitly, re-affirmed Spain's title to those countries in every subsequent treaty, as also by every subsequent public act up to the year 1820; and that, by her treaty with Mexico, of December 26, 1826, she again confirmed this status by soliciting and accepting from Mexico a continuance of the privilege of cutting timber, previously solicited and accepted from Spain in 1786.

These historical facts are easily verified. Indeed, so far as I know, they have never been disputed. And yet, in less than twenty years after the date of the treaty of 1826, we find England actually claiming dominion over this very territory in virtue of a pretended "treaty" with an insignificant tribe of nomadic savages who occupied or roamed over a portion of it within the domain and jurisdiction of Nicaragua!

One naturally wonders how an enlightened government, within the pale of the great family of civilized nations, having a due regard for the opinion of the world, could seriously set up such a claim as this. It was clearly in open disregard of solemn treaty obligations; and it was, besides, contrary to well established principles of international law. Protectorates by treaty can exist only between organized bodies politic, called states or nations. They can have no legal existence where one of the parties to the compact is a tribe of nomadic savages. Such tribes have no organized body politic; and the land over which they roam, or which they occupy, is *res nullius* only with respect to the



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civilized nation having the right of domain. The aborigines of America had none of the attributes of sovereignty, and their contracts could convey none. At no time since the discovery of the continent by Europeans, have they ever been treated as independent states. International law knows nothing of them as organized political communities. Their presence in a territory does not prevent, nor in any way affect the acquisition of domain by a civilized nation. They cannot convey even their right of occupancy without the sanction of the sovereign power, which, in the present case, was first Spain and afterwards Nicaragua. Any deed or treaty to that effect, between them and a third power, would be null and void *ab initio*; and any attempt by a third power to intrude into territory occupied by them would be an aggression justifying war. These principles are too fundamental, too well understood, and too firmly established in the modern law of nations, to be matters of controversy.

How, then, shall we account for the strange attitude of England with respect to the Mosquito coast? I shall not attempt to account for it. I shall limit myself to a bare statement of facts, and let the intelligent reader draw his own conclusions.

Off the coast of Honduras, only a few miles from the mainland, is a picturesque and beautiful little island known as Ruatan. It is indented by a number of bays and deep harbors, and commands the entrance to one of the most convenient, and now commercially important, harbors on the isthmus. This island was first discovered by the Spaniards, early in the sixteenth century; and, aside from this fact, its proximity to the mainland made it the lawful property of Spain. After the independence of the Spanish colonies in Central America, this island reverted to the Republic of Hon-

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duras as the legal successor of Spain; for it had never been ceded by Spain to any third power, nor had it ever been so ceded by Honduras. Yet, in 1841, it was forcibly seized by Captain McDonald of the royal British navy, and presumably in accordance with instructions from his government. At any rate, the flag of Honduras was hauled down and that of Great Britain hoisted instead; and the little state of Honduras, unable to resist, had to quietly submit to the outrage.

The next aggression was some five years later. It occurred on the mainland of Nicaragua and Honduras, as detailed in the preceding chapter, and constitutes one of the darkest pages in British history. It is likewise one of the most humiliating episodes in the annals of the American diplomacy; for it led to that stupendous diplomatic blunder known as the "Clayton-Bulwer treaty of 1850." Even to this day, British statesmen stand in blank amazement at the stupidity of the slender majority of senators who unwittingly ratified that treaty under doubtful assurances which were never made to be kept. For, to adopt the language of Stephen A. Douglas, then a member of the Senate, "If there ever was an occasion when the Monroe Doctrine needed to be enforced, it was then."

It is indeed difficult to satisfactorily account for this supineness and apathy on the part of the Government of the United States. The Mosquito shore was an integral part of the Nicaraguan republic. According to the English geographer, Bonnycastle, already cited, the Mosquito country "lies along the eastern and northern shores" of the republics of Nicaragua and Honduras, and "extends to the mouth of the river Segovia, about the 12th degree north latitude." "The town of San Juan de Nicaragua," he continues, "at the mouth of the San Juan river, is the principal port of Nicaragua on the

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Caribbean." There were at the time he wrote, in 1820, "three portages between Lake Nicaragua and the mouth of the river;" and "these carrying places," as he calls them, "were defended by 36 guns mounted, with a small battery," — the whole being "enclosed on the land side by ditch and rampart." The Spanish garrison stationed there consisted of "one hundred infantry, sixteen artillery, and about sixteen militia." "The mouth of the San Juan river," he continues, "is looked upon *as the Key to the Central Americas*," and that "with the possession of it and Realajo, on the opposite side of the lake, the Spanish colonies might be paralyzed by an enemy becoming the master of the ports of both oceans." Very true. And the observant author might have added that the old Spaniards (who comprehended the situation fully) had established the port of San Juan (now called "Greytown") as early as February 26, 1796, and certainly none would have been more surprised than they had it been announced that this part of San Juan was not within their domain and jurisdiction, but only part of the domain of an insignificant tribe of Indians; and that all communication with the great lake, and thence with the Pacific shore, must be by the permission of a savage Indian chief.

Of course the "Mosquito Kingdom," so capriciously set up by Great Britain after the close of our war with Mexico, had for its ultimate object British control of the isthmian transit. But this does not affect the merits of the case. That the Mosquito "king" was a myth, has been many times admitted by British statesmen themselves. Thus, Lord Palmerston, speaking of these same "Mosquito Indians," in 1850, said: "They had what is called a 'king,' who, by the bye, was about as much a king as you or I." This significant admission was made officially to the United States minister at London only a

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few months after the ratification of the unfortunate Clayton-Bulwer treaty. And Lord John Russell, in an official note addressed to Mr. Crampton, in January 1853, denounced "this so-called Mosquito government" as "a mere fiction," and "the so-called Mosquito 'king'" as "a mythical personage whose title to power is, to say the best of it, little more than nominal."

Even if we admit, for argument's sake, that this particular tribe of Indians had never been actually subdued by Spain, that would not alter the merits of the case. We would still be unable to justify England's action, or pretended action, in giving them the title and rank of an independent state or nation; for such action would still be an open violation of the most solemn treaty obligations. It would still be contrary to the established principles and practice of every European power that had ever acquired territory on this continent. Every one of those powers — and none more conspicuously than England herself — had long before recognized the right of prior discovery and occupation, and the title of the discovering nation to vast areas of territory occupied by unsubdued Indian tribes. The Indian title, whatever it might have been, could be extinguished only by the authority of the nation in whose dominions they were found.

Nor was there anything in the character and history of this particular tribe of Indians that could constitute them an exception to this general rule. They were admitted to be savage and nomadic in character, immoral and brutal in their instincts, and wholly incapable of performing even the most ordinary duties of a sovereign state. They bore precisely the same relations to the Nicaraguan government that the Creeks and Muscogees and other wild tribes in North America sustained toward the government of the United States; and

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when finally, after the Blue Fields incident of 1894, Great Britain withdrew her pretended "Protectorate" over them, they at once resumed their normal relations to the Nicaraguan government.

It is fair to assume that the question of British "protectorates," and of British dominion in any form, in Central America is now practically settled; and it is likely to be our own fault if that question is ever revived. The incidents of the past are not recalled here for the purpose of rekindling old prejudices, nor of exciting present distrust of the British nation; but as a warning to ourselves, to the end that such diplomatic blunders as that of 1850 be not repeated. Every Anglo-American feels a just pride in his British ancestry, and in that exalted type of English civilization which has made the United States the dominant power of the Western World. There is every conceivable reason why the Great Republic and the Great British Empire should be close friends. There is no conceivable reason why they should ever become enemies. The two peoples had a common origin, speak the same language, profess the same religion, and have a common system of jurisprudence. Their interests and aspirations are identical. And whilst they may be generous rivals in the world's commerce, they have a common destiny. They should assiduously cultivate and carefully maintain the closest friendship. But the conditions of such a friendship must be observed; for it can be lasting only when supported by mutual respect and a strict observance of the principles of justice and humanity. There must be justice between each other and with respect to weaker powers; and there should be shown by both a humane spirit with respect to inferior races struggling in adversity to reach a higher plane of civilization.

## CHAPTER XXIII

### THE DISPUTED EL DORADO

**O**N the northeastern end of the South American continent, bounded on the south by the river Amazon, north and east by the Atlantic ocean, west and northwest by the continuous water-way formed by the Orinoco river, the Casequiera channel, and the Rio Negro, is a vast expanse of rich and beautiful, though as yet but sparsely populated country known by the general name of Guayana.<sup>1</sup> Being thus entirely surrounded by water, it is essentially an immense island, having an area larger than that of France and Spain combined; and, although within the line of the tropics, such is its peculiar topographical conformation that it has great diversity of climate and soil, and is capable of producing almost every species of cereal and vegetable found in the three great zones of the earth. Its natural wealth of mine and forest, though hitherto little developed or disturbed, is now known to be almost incalculable; while its favorable geographical position, fertile soil, fine marine harbors, navigable inlets, network of cross channels and great rivers, combine to make it a country of great commercial possibilities.

The Spaniards, who were the first to discover and explore this region, early in the sixteenth century, gave it the name of Guayana, though they often referred to it

<sup>1</sup> So called from the earliest discovery by the Spaniards, but sometimes anglicized as Guiana or Guinea, and therefore sometimes confounded with the name of a country in Africa.

as Manoa or *El Dorado*. Nearly a century later, Sir Walter Raleigh, who was the first of the second comers, in 1595, described it as "that mighty, rich, and beautiful empire of Guinea." And the less enthusiastic Dutch navigators, who first visited its shores in 1598, called it "The Arabian, or Wild-Coast," a name which they applied to the entire region between the Amazon and the Orinoco.

Within the limits of this region, between the upper reaches of the Orinoco and the Essequibo, was supposed to be the fabled *El Dorado* of those romantic times. The fable originated soon after the discovery of the continent, on the Caribbean coast of what is now the republic of Colombia. It was soon traced to the remote interior alta-plains of Pamplona and Tunja, thence to Guatavita near the present city of Bogotá, and finally eastward, beyond the Orinoco, to the great interior basin of the rivers Cuyuni and Mazaruni. Its exact locality was fixed on the borders of a mythical lake called Parima, which was then believed to be the main source of the Orinoco, and a vague rumor prevailed that the native sovereign prince periodically appeared, on great state occasions, with his body thickly coated over with gold dust, the product of adjacent mines. In the course of time, the term *El Dorado* ("The Golden") came to be applied to a supposed country where gold and white diamonds and other precious stones were as plentiful as the sands and pebbles on the seashore; and on the margins of this great inland lake was the reputed site of the gorgeous capital of this mighty empire. The city, which nobody had ever seen, but which everybody believed to exist, was called *Manoa*, and its streets were supposed to be paved with pure gold. Near by, on the outer rim of the great interior basin, was the sacred mountain now known as Roraima, on whose

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dizzy heights were boulders and shafts of solid gold, which, however, were supposed to be carefully guarded by genii, or a species of headless men who inhabited the caves in its rugged sides.

Such was the story. It may have been made up from some half forgotten or imperfectly understood Indian tradition, or it may have been pure fiction; but for nearly two whole centuries, it excited the curiosity of the civilized world, inflamed the cupidity of Spanish adventurers, and led to Sir Walter Raleigh's long series of disastrous expeditions, beginning in 1595 and ending with his life in 1618.<sup>1</sup> We smile at such childish credulity now, and wonder why a man of Raleigh's genius, learning, and practical common-sense should have spent his whole fortune and the best years of his life in chasing an airy phantom which seems to have originated in the brain of a romantic Spaniard<sup>2</sup> nearly a century before. But when we recall to mind the hysterical and extravagant trend of thought in those early times, and that even this weird and improbable story turned out to have what Lord Bacon describes as "a soul of truth in the mists of fable and falsehood," Raleigh's conduct seems less extraordinary. For, near the close of the eighteenth century, when geographers discovered that lake "Parima" had no existence, and quietly blotted it from their maps, geologists ventured the opinion, now generally accepted, that at some remote period such a lake had really existed; and it is now known that in the great interior basin of the Cuyuni-Mazaruni, and particularly near the locality of this reputed lake, are some of the richest gold mines in the

<sup>1</sup> Raleigh was beheaded in 1618, technically under an old sentence of thirteen years' standing for treason, but in reality at the instance of the King of Spain, whose American possessions he had thus invaded.

<sup>2</sup> A shipwrecked member of the Ordaz expedition of 1531.



known world, and that they had been worked by the Indians from time immemorial.

This particular region, and indeed the whole of Guayana, was, as I have said, first discovered by the Spaniards. They it was who first sailed along its coasts, first ascended its great rivers, first penetrated to the interior, first brought back reports of its marvellous wealth of gold, and first planted the nucleus of European colonies there. All that the agents or subjects of other nations did or attempted to do, was to rob and plunder these infant settlements, or to supplant the Spanish discoverers in their territorial possessions.

Sir Walter Raleigh was the first of these adventurers. In 1595 he sailed up the Orinoco river as far as the Caroni in search of the fabled *El Dorado*, and sacked the little Spanish town of San Thomé.<sup>1</sup> The Dutch came three years later, in 1598, and then only on a tour of observation. Raleigh's subsequent adventures, extending through a period of more than 16 years, were a series of disasters; and for more than a quarter of a century, those of the Dutch were quite as unsuccessful. The Spaniards held the country against all second comers. Finally, however, by means of their great West India Company, a belligerent corporation formed in 1621, at the close of the twelve years' truce in the long war between Spain and her revolted Dutch provinces,<sup>2</sup> the Dutch succeeded in gaining a foothold at the head of the Essequibo delta;<sup>3</sup> and the hostile pos-

<sup>1</sup> Near the head of the Orinoco delta.

<sup>2</sup> Charles V. of Spain, as heir to the house of Burgundy, inherited and united the Dutch provinces under his sceptre early in the sixteenth century. His son, Philip II., who succeeded to the throne in 1555, by his harsh and impolitic treatment of the Reformers, excited the provinces to rebellion. An almost continuous war of over seventy-two years followed, terminating in the general Peace of Westphalia in 1648.

<sup>3</sup> To be exact, on a river island, at the junction of the Cuyuni and

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sessions thus obtained, were held till the general peace of 1648, when they were confirmed to the Dutch by the Treaty of Munster.

Up to about the year 1624, Guayana was therefore an undivided possession of Spain; but now that a break had been made, other nations took advantage of the circumstance to help themselves to as much of the country as they could severally acquire. The French obtained a footing near Cape Orange, where they established the nucleus of their present colony. The English soon had a small settlement near the mouth of the Surinam. And later on, amid the incidents of those turbulent times, the country became partitioned among as many as five nationalities. Thus Brazil is the owner of that portion near the Amazon which Portugal had wrested from Spain. France still retains Cayenne, now known as French Guiana. The Dutch retain the Surinam Colony (now known as Dutch Guiana), which England exchanged for what is now the State of New York, in North America. Great Britain owns the three settlements of Demerara, Berbice, and Essequibo, which she captured from the Dutch in 1803, and were afterwards ceded to her by the treaty of 1814. While Venezuela, as the successor in title of Spain, owns the rest, which up to 1811 was known as "Spanish Guayana," and constituted an integral part of the Captaincy General of Caracas.

Between the two adjacent portions last named — that is, those owned by Great Britain and Venezuela, respectively — there had never been any clearly defined divisional line; nor is it probable that either Holland or Spain ever knew just where such a line ought to be.

Mazaruni, eight miles from the west bank of the Essequibo. The place was known as Fort *Kyak-overal*, and was on the site of an old Spanish fortification which had been abandoned some years before.

The Dutch claimed a portion, and Spain claimed all, of the intervening wilderness between the Essequibo and the Orinoco; but while they had often quarrelled about it, neither had established permanent settlements there. However, after the year 1768, when the Dutch had been driven out of the Cuyuni basin, and from the Barima river, both had tacitly recognized a *de facto* line, which, beginning on the coast at the mouth of the Moroco, followed the water-parting and natural barriers southeastward to the Essequibo, some 60 miles above its mouths.

This was the condition of affairs in 1811, when Venezuela succeeded to Spain's title, and when England succeeded to Holland's title three years later. The old dispute as to boundary was not revived, however, till 1822, and then only in a very mild form; for the first Colombian Union (that of 1819), of which Venezuela was still a member, was too weak, unstable, and short lived to assert and maintain its territorial claims in Guayana. So that, after lying dormant for nearly a quarter of a century, the controversy was suddenly revived by the ill-advised Schomburgk agitation of 1839-40. In 1841, England's *ex parte* line, generally known as "the Schomburgk line," was run, of which, however, more will be said presently.

Venezuela protested against this arbitrary procedure, and the negotiations which followed, in 1844, resulted in the disclaimer by England of the so-called Schomburgk line. Six years later, in 1850, a truce was entered into which restored the *status quo*, and practically re-established the old Moroco *de facto* line of 1768. In 1879-80, each party began to accuse the other of violating this truce, inasmuch as each alleged that the other had attempted to occupy certain portions of the disputed territory. The controversy soon became acrimo-

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nious, and in 1887 England forcibly seized and fortified the main mouth of the Orinoco. As she refused to withdraw to the eastward of the Moroco, and thus re-established the *status quo ante*, Venezuela declared all diplomatic relations suspended. Such was the origin of "the Anglo-Venezuelan question" of 1895, of which I shall speak at length in the succeeding chapter.

More particularly described, the territories in dispute constitute three distinct and well-defined tracts, each of which is plainly marked out by natural monuments of rivers and mountains. The first of these, known as the "northwest coast region," lies between the Moroco river and the easternmost or main estuary of the Orinoco, and is bounded on the north by the Atlantic ocean and on the south by the Imataca range of mountains, thus comprising an area of about ten thousand square miles. It is watered by the rivers Imataca, Aguire, Aratura, Amacuro, Barima, and Waini, besides a number of small streams and *caños*, most of which are navigable, and all find outlets in the eastern or main estuary of the Orinoco. So that, notwithstanding its great area, this region is, in reality, an integral (and practically an inseparable) part of the great delta of the Orinoco.

Back of this, to the southeast, and separated from it by the Imataca range of mountains, is the great interior basin of the Cuyuni-Mazaruni, a great lozenge-shaped tract, containing an area of perhaps more than twelve thousand square miles. It is completely cut off from the northwest coast region by the Imataca range of mountains, and is quite as effectually separated from the Essequibo drainage region on the east and southeast by the great Roraime-Pecaraime range of mountains; while its western side is separated from the Orinoco drainage basin only by a water-parting of gentle slopes and undulating plateaux. Consequently, all the natural

and available approaches to this interior basin region are from the Orinoco side; and the history of the country shows that there had never been any successful attempt at colonization or settlement from any other.

The third tract is a small triangular-shaped strip between the Essequibo and Moroco rivers, having for its base some 25 miles of Atlantic sea-coast, the Essequibo river for its eastern side, and its apex at the first or lower cataracts of the Essequibo, about sixty miles from the coast. Each line and corner of this triangle is distinctly marked by natural monuments. Thus on the coast is the mouth of the Moroco, whence all north-westward is Orinoco delta, and all southeastward is Essequibo delta. Following the well-defined water-partings from the upper reaches of the Moroco, without crossing a single stream or mountain range, we come to the first or lower falls of the Cuyuni, where that river breaks through a mountain rim nearly 300 feet high, and only about ten miles from the west bank of the Essequibo. Proceeding thence, less than six miles southeastward, we come to the foot of the first or lower falls of the Mazaruni, where that river breaks its way through another section of the same mountain rim, fully 250 feet high, and about the same distance from the Essequibo. From thence, the line extends but a short distance southeast to the great geological break which forms the first or lower falls in the Essequibo. Beyond these falls, and beyond those in the Cuyuni and Mazaruni, neither Dutch or English settlements ever penetrated prior to the year 1880.

That England had such a title to this triangular strip of territory, situated between the Essequibo and the Moroco, as long and continuous occupation could give, can hardly be controverted; and if her claim had been limited to *this* tract, as it had been up to Schomburgk's

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time, there is little probability that there would ever have arisen a vexatious boundary question, although Venezuela claimed to the west bank of the Essequibo. Or, if, on the other hand, Venezuela had accepted a slight modification of the old Moroco *de facto* line, as proposed by Lord Aberdeen in 1844, when he disclaimed the Schomburgk line and ordered it obliterated, the boundary question would have ended then and there without loss or inconvenience to either party.

But in international disputes, as in private quarrels, neither party is ever wholly in the right; or if either be in the right at the beginning, both usually manage to get into the wrong before their differences are finally adjusted. And such was the case in the present controversy. Instead of wisely limiting her claim to the triangular strip of territory between the Essequibo and the Moroco, to which (despite the plain provisions of the treaty of Munster) she might have reasonably claimed by prescription, England extended her claim to the whole of the northwest coast region, and also to nearly the whole of the interior basin region of the Cuyuni-Mazaruni. She predicated this new claim upon alleged prior occupation by the Dutch, which was historically incorrect, for the Dutch never really *occupied* a foot of either; and she attempted to strengthen this claim by alleging title conveyed, directly or indirectly, by the savage occupants, which was quite as untenable. For if such conveyances were ever actually made (which was never proven), there is no one principle more firmly incorporated in the modern law of nations than that savage occupants of a territory are incapable of conveying the sovereignty. They can convey only their right of occupancy; and that only by the consent of the sovereign, which in the present case was Venezuela, as the heir of Spain.

As if conscious of the inherent weakness of her position, England sought to further strengthen it, with respect to the interior basin of the Cuyuni-Mazaruni, by alleging that her material possession of the mouths of those two rivers gave title to the water-shed drained by them. This was likewise untenable. Mere possession, by a *second* comer of the mouth of a river, its upper reaches being previously occupied and continuously held by a civilized state, can give no title to its drainage basin above. This has been too long a settled principle, and is too generally observed by all civilized nations, to be a matter of serious dispute; and still less so, when, as in the present case, the only natural and available approaches to the water-shed of the Cuyuni and Mazaruni are not from the mouths of those rivers at all, but from the Orinoco side.

Venezuela's claim to the triangular strip between the Moroco and the Essequibo was never tenable in the face of adverse occupation by the Dutch and English for more than two centuries. But her claim to the other two tracts was on a different basis. It was predicated upon prior discovery and actual occupation, or upon exclusive political control. That Spain was the first discoverer, had never been controverted; and that she was the first actual occupant was equally certain. True, her settlements were not continuous; there were often wide, unoccupied spaces of wilderness between them. Yet, up to 1811, when her title descended to Venezuela, she had occupied these parts in the name of the whole, and thus held constructive possession of both tracts as wholes. Moreover, while neither of the two tracts were ever essential to the growth and prosperity of the Dutch or English settlements on the Essequibo, both were essential to the natural expansion and safety of the Spanish-Venezuelan settlements on the Orinoco. A glance at

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any good map of the country will make this plain, even without referring to the history of those settlements, which merely illustrates it. Thus the Dutch settlements, starting at the Essequibo, all grew eastward toward the Surinam; while the Spanish settlements, starting on the Orinoco, extended eastward toward the Essequibo.

Another circumstance had an important bearing on the controversy. No one who has ever visited the great swamp delta of the Orinoco, or the coast region between the eastern estuary of that river and the Moroco, can be in doubt as to its purely alluvial character and comparatively recent origin. Each of these sections of the delta was at no very remote period covered by the waters of the Atlantic and of the Gulf of Paria. Probably not later than the middle of the twelfth century, the coast line began near the left margin of the Moroco, and extended around by what are now the upper reaches of the Barima and Amacuro rivers to the head of the present delta, above the island of Tortola. The rivers Waini and Barima, which now cut their way through this alluvium belt to the Barima channel (the eastermost estuary of the Orinoco), once disembogued into the Atlantic, many leagues to the eastward, at the points where they now turn so abruptly westward and begin their course parallel with the present coast line. Even as late as one hundred and fifty years ago, according to Gravesande, the Dutch governor of the Essequibo colony, the mouth of the Waini was not where it now is, but several leagues eastward on the Atlantic coast.<sup>1</sup> And Hartsinck, in his map of a later date (1770), merely corroborates this. It is quite evident from his own brief account of his unsuccessful efforts to enter the mouth of the Orinoco, that Columbus, at the time of his first and only visit

<sup>1</sup> Gravesande's map, 1749.



there, in 1498, found the coast line many miles — perhaps leagues — nearer the head of the delta than it now is; for the current, now so sluggish as to be almost imperceptible, was then, as he states, so strong as to baffle all his efforts to ascend it.

We can readily understand, therefore, why the first Spanish settlement and fortification on the Orinoco, founded about the year 1531, was situated on the firm banks of the river just above the head of the delta, instead of below it on the alluvial and swampy banks of the main estuary, where no white man could live. Even as it was, the location was so near the inhospitable swamps and salt marshes below, and complaints of unhealthfulness were so numerous and persistent, that a royal Order was finally given to move the garrison farther up the river.

Of the thirty odd channels leading directly or circuitously from the present coast line to the head of the Delta, only two are navigable by ocean vessels, the *Macarão* and the *Boco de Navios*. The first named is available only during about six months in the year, and then only for vessels of light draught. The second named, which disembogues into the Atlantic nearly a hundred miles farther eastward, between Crab Island and Barima Point, has a uniform depth of about sixty fathoms, and is navigable at all seasons by the heaviest naval vessels. In fact, all the modern marine charts show this to be the only ship channel from the coast to the head of the Delta, and that the used part of this channel passes almost within a stone's throw of Barima Point; while just inside Barima Point is Barima *Cano*, a body of water more than half a mile wide, sixty miles long, and fully seventy feet deep at low tide, which is completely sheltered by land and forest from both sea and wind.

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It is manifest therefore that the *Boco de Navios*, and Barima Point, constitute the key to the eastern portion of the delta region, and command the only available ship entrance to the great river Orinoco. Thence upward the Orinoco is navigable by the heaviest ocean steamers as far as *Ciudad Bolívar*,<sup>1</sup> a distance of about 400 miles as the river runs. Within this distance, the river receives the waters of some 20 navigable affluents; while above *Ciudad Bolívar* it is still navigable by light draught steamers for hundreds of miles. On its eastern or Guayana side alone, above this point, it receives the waters of more than seventy large streams; while on its western side, it receives the waters of about thirty more, most of which are navigable. Thus the Apure, which flows through the very heart of Venezuela, is navigable by light draught steamers for about 300 miles. Another (the Meta) is navigable by the same class of steamers as far up as the town of Villavicencia, only a few leagues distant from Bogotá, the capital of the Republic of Colombia. And the upper reaches of the Orinoco, as already observed, are connected with the navigable waters of the Amazon by means of the Casequiera channel and the Rio Negro, thus affording a trans-continental water-way.

It is no marvel, then, that Spain should have guarded this malarious and inhospitable delta region of the Orinoco with such jealous care; for it was then, as now, the great highway to nearly a quarter of the South American continent. With Barima Point, the *Boco de Navios*, and the Barima Caño in the hands of a hostile power, the Vice-royalty of New Granada and the

<sup>1</sup> Formerly known as *Angostura*, or "The Narrows." At present it is the political capital of one of the largest and richest states of the nine which constitute the Venezuelan federal Union, and is the second only of Caracas in commercial importance.

Captaincies-General of Venezuela and Guayana would have been constantly menaced and difficult of successful defence. Nor have these conditions changed since the independence of the country. If some great naval and commercial power, like England, should ever become the permanent occupant of the northwest coast region, with full control of the eastern estuary of the Orinoco, radical changes would soon be wrought in the commercial relations of at least three of the Latin-American Republics. Their sovereignty and territorial integrity would be constantly menaced, and it would not be a great while before the United States would be forced to a choice between an armed defence of the Monroe Doctrine and its total and final abandonment.

As before stated, England's claim to this Barima region had never been heard of prior to Schomburgk's time in 1839-40; for it was Schomburgk who first pointed out "the political importance of the Orinoco mouth in any settlement of the boundary question that might be made."<sup>1</sup> And in his official report, speaking specifically of the rivers Waini and Barima as integral parts of this delta region, he used this language: —

"They are so closely connected by branches and tributaries that they afford an inland navigation from the Moroco to the Orinoco, and their importance in a *political* and *commercial* respect is therefore evident."<sup>2</sup>

And again, speaking of Barima Point, he said: —

"A strong battery established there . . . would prevent any vessel from entering the Orinoco drawing more than eight feet of water;" and "would command entirely the entrance to the

<sup>1</sup> Schomb. Br. Guiana, p. 17; Schomb.'s Raleigh, p. 115; Br. Parliamentary Papers, 1840, vol. 34, p. 327.

<sup>2</sup> *Ibid.*

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Orinoco by the *Boco de Navios* . . . the Dardenelles of the Orinoco."<sup>1</sup>

The Dutch, as I have said, never extended their settlements west of the Moroco. They never maintained an outpost or trade station west of that river. They never made a grant of lands west of that river. There could not be, therefore, any valid claim to the Orinoco mouth based on prior *occupation* by the Dutch. And equally invalid, as I have said, was the British claim to title in virtue of alleged treaties with Indian tribes, first put forth officially by Lord Salisbury in 1880; for if such treaties ever existed, they would have been worthless. On the discovery of the American continent, the principle adopted by European nations, in order to prevent conflicting claims and consequent wars, was that discovery, supplemented by possession within a reasonable time, gave title to the discovering nation. Whatever may have been the rights of the savage occupants, they had no eminent domain; that pertained alone to the discovering nation or to its legal successor, which uniformly claimed and exercised the sole right to extinguish the Indian title of occupancy. This was a right which each European nation asserted for itself, and to the assertion of which all assented.

Equally untenable was the British claim to title in virtue of alleged "Protectorates" of those Indians; for a protectorate implies statehood or sovereignty in the protected, no less than in the protecting nation, and is established when the protection is procured by engaging to perform certain service, or to pay certain tribute for service performed. In either case, there is an act of sovereignty by both the contracting parties. The

<sup>1</sup> Schomb. Br. Guiana, p. 17; Schomb.'s Raleigh, p. 115; Br. Parliamentary Papers, 1840, vol. 34, p. 327.

compact differs from ordinary treaties only in so far as it creates a difference in the dignity of the contracting parties. Protectorates, therefore, can exist only between organized bodies politic; and tribes of nomadic savages, such as inhabited or roamed over the region of the Orinoco delta, were not organized bodies politic. Never at any time since the discovery of America had they been so regarded. As bodies politic or states, international law knows nothing of them; and their presence in a territory in no way affects acquisition of domain by a civilized nation. The territories in which they live, or over which they roam, are as between civilized nations *res nullius* or "vacant" lands.

The British claim to the Orinoco mouth was even more untenable from yet another point of view. It is a principle too well established to be a matter of controversy, and almost too familiar to need citation, that the nation which incontestably owns the firm banks of a river is, *ipse facto*, the legal owner of the delta islands, estuaries, and shores below. No matter whether these be materially occupied by the owner of the river above, or whether they be inhabited only by savage tribes, they are not *terras nullius* which another nation may seize and appropriate to its own use, and thus be enabled to establish a hostile control of the river's mouth. This rule is as old as the Roman law itself, and has been cited with approval by every authority, from Grotius and Vattel to Wheaton and Phillimore. Not only has it been affirmatively declared, but it has been specifically applied, by British jurists. Thus the British High Court of Admiralty, nearly a century ago, applied it in a decision which has stood unshaken ever since. I allude, of course, to Lord Stowell's decision in the celebrated case of *The Anna*, rendered in 1808;<sup>1</sup>

<sup>1</sup> Robinson's Admiralty Repts. v. pp. 373-385.

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and that decision applies as aptly to the mouth of the Orinoco, as it did to the mud islands and estuaries of the Mississippi delta.

It is manifest then that England's claim to the Orinoco mouth had really nothing to sustain it, and that her claim to the interior basin of Cuyuni-Mazaruni was very little better supported. The only support to either was the fact of material occupation, and as that was violent and recent in origin, it lacked both the essential elements of title by prescription, namely, lapse of time and peaceable possession.

## CHAPTER XXIV

### THE ANGLO-VENEZUELAN BOUNDARY DISPUTE

**W**E have already seen, in the preceding chapter, how and under what circumstances the Guayana boundary dispute originated between Holland and Spain, near the middle of the seventeenth century; how, a century and a half later, it became the heritage of England and Venezuela; and how, after an intermittent existence of seventy-three years more, it culminated in a serious diplomatic rupture between those two countries, and brought them to the brink of war. I now propose to give some account of the conditions and circumstances under which the government of the United States became a party to that controversy; how that intervention led to the Tri-partate Agreement of January, 1897; how the Treaty of Arbitration, which followed in February of that year, constituted a new departure in at least one very important branch of international jurisprudence; and how the question was finally disposed of by award of the Arbitration Tribunal of October 3, 1899.

I enter upon this task with some degree of reluctance, not because the facts are either doubtful or obscure, for they are neither; but because, having been, from the first, one of the principal actors in the drama, I shall be obliged to make more frequent allusion to myself than good taste would otherwise allow, and because, despite every care to avoid it, I may

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possibly give offence by disclosing facts not hitherto made public, or by speaking too freely of facts already known. However, the time has now come when the true history of the case should be made public; and whilst I shall be perfectly candid, I shall endeavor to be equally just and impartial.

After resigning my diplomatic position under the government of the United States, in 1893, I accepted a commission from the Venezuelan Government as its special agent and legal adviser; and, in that capacity, entered upon a final effort to bring about some amicable adjustment of the Guayana boundary dispute. The plan was to have the whole question referred to friendly arbitration, which, at that time, seemed an almost hopeless undertaking. For, although the disputants had not as yet come to actual blows, a condition of affairs existed which was liable to culminate in active hostilities at any moment. Venezuela had fully decided to resist, by force, any further encroachments upon what she deemed her rightful domain, and the British ministry seemed equally determined not to modify their ultimatum of 1891-92. But in order to a clear understanding of the case, and of the difficulties in the way to its amicable settlement, a brief review of the more salient points will be necessary.

As already stated in the preceding chapter, prior to the year 1839, the British claim had not extended beyond the old Morocco *de facto* line of 1768, or even west of the Pumaron river.<sup>1</sup> In 1839-40 the Schomburgk agitation was first started; and in 1841 the first so-called "Schomburgk line" was run. This line marked out the *then* "extreme limit" of the British claim in Guayana. Briefly described, the line was as follows:—

<sup>1</sup> See British Parl. Papers, vol. xxxv. p. 424.



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Beginning at the mouth of the Amacuro river, on the eastern estuary of the Orinoco, it proceeded along the left or northern margin of the Amacuro to a point near the 60th meridian; thence, after deflecting southwestward, so as to take in a considerable part of the great interior basin of the Cuyuni-Mazaruni, it again turned eastward to the 60th meridian, where it crossed the 7th parallel of latitude; thence, proceeding in general direction southeastward, it took in Mount Iritibu and Mount Roraima; and thence proceeded in general direction eastward toward the Essequibo, without, however, having any precise terminus.

This was the *original* "Schomburgk line," not the line of that name which was marked out twenty years after Schomburgk's death; for, between 1841 and 1890, the original line had been altered many times, and each time it had been so extended as to materially enlarge the British claim.<sup>1</sup>

Subsequently, when more moderate counsels prevailed, Lord Aberdeen, then chief Secretary of State for Foreign Affairs, apologetically explained to the Venezuelan minister in London that this *ex parte* line was merely "tentative"; that it had been marked out as indicating England's extreme claim, and only "for convenience in future negotiations"; and not, as Venezuela had supposed, for the purpose of extending British *occupation*.<sup>2</sup> A few weeks later, when the Venezuelan representative insisted that this line should be explicitly disclaimed, and the line itself obliterated,

<sup>1</sup> See map herewith. Official History Boundary Dispute, pp. 6-18. Schomb. 's Rep. 1841. Docs. U. S. Comn. on Boundary between Venez. and Br. Guiana, vol. ix. (Notes on the Schomburgk Line) pp. 29-72. *Ibid.* ("The Monroe Doctrine on Trial"), pp. 21-30. U. S. Foreign Relations of 1890-1-2. Seijas' *Limites de Guayana*, etc.

<sup>2</sup> Dip. Cor., Aberdeen to Fortique, Dec. 11, 1841. Off. Hist. Dis. of the Guayana boundary dispute.

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“as a condition precedent to negotiations,” the order was given from London to the British colonial authorities in Demarara to take down all posts, monograms, and other signs that had been set up by Schomburgk, — thus restoring the *status quo* of 1838–39.<sup>1</sup>

During the negotiations which followed, in 1844, Lord Aberdeen proposed a conventional divisional line, beginning at the mouth of the Moroco river, to run thence in general direction southward to the junction of the rivers Barama<sup>2</sup> and Aunama; thence southeastward to the river Cuyuni, near the mouth of the Acarabisi creek; thence along the right margin of the Cuyuni to near the mouth of the river Yuruan; thence eastward to Mount Roraima; and thence in general direction northeastward to the river Essequibo.<sup>3</sup>

This proposition involved an extension of the old *de facto* line of 1768, in that it would give to England a considerable portion of the Cuyuni basin; but, despite this fact, it would have been accepted by Venezuela had it been made without conditions which she considered humiliating. For, in submitting it, Lord Aberdeen said his government was “disposed to *cede* to Venezuela” the territory beyond the proposed line, on the condition that the Republic would enter “into an obligation not to alienate any portion of that territory to a third power,” and also not to “maltreat or oppress the Indian occupants.”<sup>4</sup> As he refused to make these conditions mutual, Venezuelan pride was piqued, and his proposition rejected.

Negotiations continued at intervals, however, till 1850, when, by exchange of diplomatic notes, the truce

<sup>1</sup> Same to same, Jan. 3, 1842.

<sup>2</sup> Not the Barima, as sometimes misprinted.

<sup>3</sup> See map. Off. Hist. Dis. of Boundary. Seijas' Limites, etc.

<sup>4</sup> Lord Aberdeen to Sr. Fortique, Mar. 30, 1844.

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mentioned in the preceding chapter was entered into, whereby neither party was to occupy or attempt to occupy any part of the then occupied territory in dispute.<sup>1</sup>

Thus the matter rested till 1879-80, when Venezuela endeavored to re-open negotiations with a view to some final adjustment of the controversy. Replying to this overture, Lord Salisbury said that Her Majesty's government *then* claimed, "in virtue of ancient treaties with the aboriginal tribes, and of subsequent concessions from Holland," all territory on the coast between the rivers Essequibo and Orinoco; likewise all territory south of the Imataca range of mountains, east and northeast of a line extending from Barima Point to the tablelands of Santa Maria, — the line to extend from the last-named point to near the left margin of the Caroni river, and so around by the crest of the Pacaraima-Roaima range of mountains, to the Essequibo.<sup>2</sup> In other words, the claim had now been so expanded as to embrace not only all the territory within the original "Schomburgk line," but all territory within the several new and enlarged lines of that name. Indeed, as thus stated by Lord Salisbury, the claim included a vast region of about 60,000 square miles beyond the limits of even the latest expansion of the so-called "Schomburgk line"!

Venezuela had all along consistently claimed that the Essequibo river was the *legal* boundary, in virtue of title derived from Spain in 1811; but she had more than once intimated a willingness to accept a compromise on the old Moroco *de facto* line in 1768. Referring to this, Lord Salisbury said that "under no circumstances could the Essequibo be accepted as a

<sup>1</sup> Off. Hist. Boundary Dis. etc., pp. 33-38. See also Dip. Correspondence.

<sup>2</sup> *Ibid.* 39-51. See map herewith.

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possible boundary," but that he would "consider any reasonable proposition that Venezuela might submit."<sup>1</sup>

The Venezuelan envoy replied that, in order to come to some amicable settlement, he had been authorized by his government to "waive the question of strict legal right," and to adjust the boundary dispute on "any reasonable compromise"; to which end he inquired whether the British Government was then disposed, as on a former occasion in 1844, to accept a modification of the old Morocco *de facto* line as a conventional boundary.<sup>2</sup>

To this Lord Salisbury replied that as the attorney-general of British Guiana was expected in London very soon, it was desirable to postpone further discussion till he should arrive. The attorney-general did not reach London till eight months later; and when Lord Salisbury's reply was finally received (two months afterwards), it was in the negative. The Morocco, he said, could not be considered as a possible boundary, but he would entertain a proposition for a conventional line, "beginning on the coast west<sup>3</sup> of that river, and east of the Orinoco mouth."<sup>4</sup>

The Venezuelan envoy then proposed, by way of compromise, a boundary line beginning on the coast one mile west of the mouth of the Morocco, to run thence northwestward to the 60th meridian, and thence due eastward to the Essequibo; or, if that should not be acceptable, then a reference of the whole question to arbitration.<sup>5</sup> Neither proposition was accepted — perhaps not even seriously considered.

<sup>1</sup> See Official Correspondence.

<sup>2</sup> Seijas' Limites de Guayana. Off. Hist. Dis. etc.

<sup>3</sup> The term "west" is employed in the correspondence; but, accurately speaking, from the points of the compass, it should be N. W.

<sup>4</sup> Official Correspondence. Off. Hist. Dis. Guayana boundary dispute, etc.

<sup>5</sup> *Ibid.*

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Later on, in 1881, when Lord Granville came into power, the English Government proposed a divisional line, to begin west of the Waini river, near Point Barima; to extend thence in a straight line southeastward to the crest of Mount Yarikita (in the Imataca range); thence in direct line to the mouth of the Acarabisi creek (in the great interior basin of the Cuyuni-Mazaruni); thence to sweep round southwestward to the junction of the Yuruari and the Cuyuni rivers (thus including some newly discovered gold mines); and thence in general direction eastward, by way of Mount Roraima, to the Essequibo river.

This proposition was rejected, and Venezuela again proposed arbitration, which was again declined.<sup>1</sup>

Four years later, in 1885, when negotiations were again renewed, the British Government agreed, through Earl Granville, then Chief Secretary of State for Foreign Affairs, to unite the boundary question with others then pending, and to refer the whole to a Board of Arbitration.<sup>2</sup> But just seventy-two days afterwards, when Lord Salisbury had returned to power, the new administration refused to ratify this agreement, or, in fact, to entertain *any* proposition looking to a reference of the boundary dispute, as a whole, to arbitration.<sup>3</sup>

Subsequently, in 1886, Venezuela again proposed arbitration, which was again rejected. It was then that Lord Rosebery (who had again come into power) proposed another divisional line, which still further extended the British claim, and which required, besides, that the Orinoco river should be declared open and free to British merchant vessels.<sup>4</sup>

<sup>1</sup> Official Correspondence. Off. Hist. Dis. Guayana boundary dispute, etc. Dip. Cor.

<sup>2</sup> Dip. Cor., Earl Granville to General Blanco, May 15, 1885. Off. Hist. Dis. etc.

<sup>3</sup> Lord Salisbury to General Blanco, July 27, 1885. Off. Cor.

<sup>4</sup> *Ibid.*

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In 1891, and again in 1893, Venezuela sought to restore diplomatic relations on the basis of the *status quo ante* of 1850, and on a proposed preliminary agreement to refer the boundary question, *as a whole*, to a commission of jurists, to be named by mutual concert of both governments.<sup>1</sup>

Both these efforts failed, leaving the parties at greater variance than ever before. England refused to acknowledge any *status quo* other than that "then existing," or to submit to arbitration her title to any territories embraced within the new and enlarged "Schomburgk line." She would accept arbitration only on one condition, namely, that her title to all territories within that line be "acknowledged as indefeasible"; after which she would agree to refer to arbitration any claim she might have to territory *beyond* that line. In other words, Venezuela must concede the justice of England's enlarged claim as a condition precedent to arbitration.<sup>2</sup>

Without going further into tedious details, the history of the British claim may be briefly summarized as follows:—

1. In 1814, England acquired from Holland about 20,000 square miles of territory in Guayana, a considerable portion of which had been in dispute between Spain and Holland prior to that time.

2. Up to 1838, England claimed the Pumarón river as the "western limit" of this acquisition, — the then disputed territory being understood as limited to the triangular strip between the Pumarón and the Essequibo rivers.

3. Between the years 1839 and 1841, England com-

<sup>1</sup> Venezuela Yellow Book, 1893: Official Correspondence.

<sup>2</sup> *Ibid.* Ld. Rosebery to Dr. Michilena, Off. Hist. Dis. etc., pp. 251-264.

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missioned Robert Schomburgk to survey and mark out a tentative divisional line, which added about 60,000 square miles to the British claim, none of which, however, west of the old Morocco *de facto* line, had hitherto been considered in dispute.

4. In 1885, by further alterations and extensions, the British claim had grown to about 80,000 square miles.

5. In 1886, the British claim was again extended so as to embrace about 20,000 additional square miles. Indeed, the claim had now become so enlarged and indefinite as to excite apprehension that it no longer pretended to follow historical traditions or evidence.

At no time had Venezuela even tacitly recognized any one of these *ex parte* divisional lines. On the contrary, she had specifically and publicly protested, in the most solemn manner, against each and all of them; and, in general, against all encroachments west of the Morocco river; and for nearly a quarter of a century she had been persistently asking that the boundary question, *as a whole*, be submitted to an impartial tribunal of arbitration.

Another feature of the British claim, developed during the last stages of the controversy, had excited surprise, and given rise to grave apprehensions. After it had been conclusively shown that up to 1850 neither the Dutch or English had ever actually occupied a foot of land west of the Morocco, or above the first or lower falls of the Cuyuni and Mazaruni, England claimed that subsequent occupation by British subjects, although made over Venezuela's vigorous and repeated protests, and in clear violation of the truce of 1850, give prescriptive title to the British Government! "Her Majesty's subjects are already settled there, and Her Majesty's government must protect them in *their* interests," was the inspired utterance of the London

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court journals; and Lord Salisbury had given expression to practically the same pretension in his official note of January 10, 1880.<sup>1</sup>

Of course this position was wholly untenable. For even if it be admitted without substantial proof that these were *bona fide* settlers, and not mere squatters or mining prospectors (as they really were), we have the astonishing proposition that unoccupied territory within the domain and jurisdiction of a free state is subject to colonization by British subjects; and that such colonization, after the *lapse of less than twenty years, invests the sovereignty in the British Government*. Such a principle once admitted, with respect to Venezuela, would have to apply equally to all the other South American Republics; and if it should apply to all the South American Republics, wherefore should it not apply as well to Central America and to Mexico, and, indeed, to certain unoccupied territory within the domain and jurisdiction of the United States? Manifestly, it must apply to all or to none.

Such was the logical sequence, if not the imminent possibilities, of this new and enlarged phase of Guayana boundary question; and it was precisely this covert, but ever-present feature of it that alarmed the Latin-American states, and gave to the question an international importance it had not hitherto assumed. For it was manifest that territory thus acquired by an European power, involved either an act of war or an act of piracy; and, either case, it would be as much a violation of the Monroe Doctrine as if the territory had been seized by British troops or covered by British fleets.

After the diplomatic rupture of 1887, Venezuela had been constant in her efforts to interest foreign powers,

<sup>1</sup> Br. Blue Book (Venezuela), 1896, p. 295.



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and more especially the United States, hoping thereby to induce Great Britain to modify her extreme pretension, and to consent to a reference of the whole question to friendly arbitration. Ten of the Latin-American Republics had each, separately, addressed the British Government on the subject, recommending settlement by arbitration. Spain had proposed friendly mediation at an early stage of the controversy. And the government of the United States had more than once tendered its good offices as the friend of both parties. Strangely enough, all these friendly overtures were treated with cold indifference by the British ministry. Worse still, on one occasion, Lord Salisbury, very politely, but quite plainly, intimated that Her Majesty's government considered all such overtures an unjustifiable impertinence.

Such was the condition of the case in August, 1894, when I undertook to bring it to friendly arbitration. There was, it seemed to me, but one way to do this. England could be induced to recede from her extreme position, and agree to arbitration, only by pressure of intelligent public opinion; and this could be brought about only through the active and determined intervention by the United States, in the defence of the principles of the Monroe Doctrine.<sup>1</sup>

At that time it seemed extremely doubtful whether the government at Washington could be induced to take this step. In democratic countries, rulers are generally very careful not to get in advance of what they conceive to be popular sentiment; and the people of the United States were then too deeply engrossed

<sup>1</sup> Subsequent developments revealed the fact that the British ministry and people were misled and deceived, perhaps unintentionally, by the colonial authorities of Demarara, otherwise, the boundary dispute could never have reached this acute stage.

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in grave domestic questions to give much attention to boundary disputes in South America, even though the Monroe Doctrine might be involved. President Cleveland had broken with the leaders of his party, and the Congress was divided into discordant factions. It would convene in final session in December, and go out of power in March following; and the probabilities all were that the new Congress (the 54th) would be still less in accord with the Administration. In any case, it was clear that there would have to be "a campaign of education," — a direct appeal to the people, the source of all political power.

So, in October, 1894, the first edition of my pamphlet, entitled "British Aggressions in Venezuela, or the Monroe Doctrine on Trial," was published. It contained a brief outline of the origin and history of the Guayana boundary dispute, and of the principles involved in this new phase of the controversy. Copies were sent, with an accompanying note by the author, to the editors of the leading newspapers and magazines, both in this country and in England; also to the members of Congress, then at their respective homes in the different states; to the governors and leading members of the general assemblies of the several states; and to the principal clubs and public libraries in all the large cities. The publishers had likewise placed copies on sale at the news-stands and book-stalls in the more important literary and political centres. By the time Congress convened, in the first week of December, the little pamphlet had run through four large editions, and the "Anglo-Venezuelan question," and its relations to the Monroe Doctrine, had already become the uppermost topic of the hour with the newspaper press.

The next move was to get Congress to take up the

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question in the tangible form of a joint resolution by unanimous vote of both Houses, supporting the President's recommendation (made in his annual message of December, 1894), that both disputants agree to refer their differences to friendly arbitration. Colonel Leonidas F. Livingston, the Representative in Congress from my home district in Georgia, very kindly agreed to introduce such a resolution, and to move its reference to the Committee on Foreign Affairs. He likewise filed with it a brief statement of the reasons why the resolution ought to be favorably reported upon. The resolution thus submitted was as follows:

"Whereas, in the present enlightened age of the world, when international disputes in general, and more particularly those pertaining to boundary, are in constant process of adjustment by joint commission or by outside arbitration; and

"Whereas, since the existing boundary dispute in Guayana between Great Britain and Venezuela ought not to constitute an exception to the general rule, but should the more naturally come within the scope and range of modern international precedent and practice, in that it turns exclusively upon simple and readily ascertainable historical facts; and

"Whereas, since it would be generally gratifying to all peace-loving people, and particularly to the impartial friends of both parties, to see this long-standing and now very disquieting boundary dispute in Guayana settled in a manner just and honorable alike to both, to the end that possible international complications may be avoided, and American public law and traditions peaceably maintained: Therefore,

*"Be it resolved by the Senate and House of Representatives, etc., That the President's suggestion, made in his last annual message to these bodies, namely, that Great Britain and Venezuela refer their dispute as to boundary in Guayana to friendly arbitration, be earnestly recommended to the consideration of both the parties in interest."*

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In due course, this resolution was referred to a sub-committee, which made a favorable report; and two days later, when it went before the House, it was passed without a dissenting vote. On the 7th of February, it went to the Senate, and was there referred to the Committee on Foreign Affairs. On the 13th, the Committee, at its first regular session, reported favorably (after, however, striking out the preamble), and on the same day, the Senate passed the resolution without a dissenting vote. On the 17th, the House unanimously concurred. The resolution then went to the President, who, after promptly signing it,<sup>1</sup> directed that copies of it be sent to Mr. Bayard, then United States ambassador at London, with instructions to acquaint Lord Salisbury with its contents, and to urge Her Majesty's government to consent to refer the whole question of boundary to impartial arbitration.

Mr. Bayard reported back, in substance, that he was told, first, that England had "nothing to arbitrate"; second, that Venezuela had no accredited diplomatic agent in London with whom to treat; and, finally, in very diplomatic language, that the boundary question between Great Britain and Venezuela was a matter in which the United States had no concern!

Mr. Gresham, Secretary of State, then informed the Venezuelan agent that nothing more could be done until Venezuela should send a minister to London. To this the agent replied that Venezuela would gladly accredit a minister to England whenever assurances

<sup>1</sup> The resolution, as signed by the President, is as follows: "*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

"That the President's suggestion, made in his last annual message to this body, namely, that Great Britain and Venezuela refer their dispute as to boundary (in Guayana) to friendly arbitration, be earnestly recommended to the favorable consideration of both parties in interest."

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were given that he would be properly received, or that Her Majesty's government would modify the ultimatum of 1890-93. That ultimatum, as already pointed out, practically assumed to decide the question of boundary in advance; since by it England's claim to the Orinoco mouth, and to all the territory within the expanded "Schomburgk line," could not be submitted to arbitration under any circumstances.

Some days later, when I again called on Mr. Gresham, at his private apartments, I pointed out the reasons which made it impossible for Venezuela to take the initiatory step he had suggested; how Venezuela could not accept the terms of the British ultimatum without, thereby, fully conceding, in advance, the validity of England's claim, and consequently not without forever abandoning her own,—in which case there would be indeed "nothing to arbitrate," as Lord Salisbury had said. In short, that it would be nothing less than a surrender of the rights of the weaker party to the arbitrary demands of the stronger; and this, although done in open contempt of the principles of the Monroe Doctrine, would be accomplished with the full knowledge and concurrence of the government of the United States. I urged him, therefore, to reconsider the matter before announcing his final decision.

Some weeks later, when I again saw him, and again urged him to press the matter of arbitration upon the British Government, he seemed more favorably disposed; but before he had fully made up his mind, he was taken seriously ill, and died soon afterwards. Had he lived, there can be little doubt that he would have taken the matter up and pressed it vigorously.

During Mr. Gresham's illness, the only course left was to appeal directly to the President. He was then at Woodley, his country residence, where (it had been

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officially given out) he had gone "for a little rest, and would receive no one, not even one of the Senators." Nevertheless, I ventured to call upon him. He received me very cordially, and accorded me an interview of more than an hour, at which we went over the whole ground of the Anglo-Venezuelan controversy. When I left him, I entertained no doubt as to his future course in the premises. For although he had remained prudently non-committal, as was expected, he had promised to personally "look into the matter"; and that promise, by such a man, meant some ultimate action of a decisive character.

This was late in May, 1895. The events which followed in quick succession are matters of public notoriety. What Sir Julian Pauncefote, the British Ambassador at Washington, characterized as "that fiery note" of July 20th (by Mr. Olney, addressed to the British Government through Ambassador Bayard<sup>1</sup>) called forth Lord Salisbury's dogmatical reply of November 26th.<sup>2</sup> This, in turn, called forth President Cleveland's celebrated Special Message to Congress, of December 17th.<sup>3</sup> And this last resulted in the prompt passage (by unanimous vote of both Houses) of the Act, approved December 21, 1895, making an appropriation of \$100,000 for the expenses of a commission (to be appointed by the President) to "investigate and report upon the true divisional line between the Republic of Venezuela and the Colony of British Guiana."<sup>4</sup>

The commission was appointed and organized early in January, 1896, with Mr. Justice Brewer of the United

<sup>1</sup> Off. Hist. Dis. Guayana Boundary, pp. 380-412; also Senate Docs. No. 31, 54th Cong. 1st Sess.; also U. S. Foreign Relations, 1895.

<sup>2</sup> *Ibid.* pp. 413-435.

<sup>3</sup> *Ibid.* also Mess. and Docs., 54th Cong.

<sup>4</sup> Public Act No. 1., 54th Cong.

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States Supreme Court as president; the other four members being Chief Justice Alvey of the Court of Appeals of the District of Columbia, Hon. Andrew D. White of New York, Prof. Daniel C. Gilman of Maryland, and Mr. Frederick R. Coudert of New York.

Of course this was merely an *ex parte* tribunal. It had not been invested with any international authority or character. Neither Venezuela nor England was a party to it; and neither of them could be bound by its decisions further than they might subsequently agree to that end. It was merely to report to the President, and through him to the Congress, the result of its investigations. Still, it was of such a character that its decision could not be ignored by the enlightened opinion of the world, nor be disregarded by either party in interest. So both were formally invited to appear before it by agent or counsel, and to submit such evidence of title as they might care to produce. Venezuela responded promptly by appointing an agent and counsel to present her case; and England, after hesitating awhile, submitted her case indirectly, together with the evidence in its support, through the British Ambassador.<sup>1</sup>

The commission entered upon the task systematically and methodically. Its members were well fitted for it, both by education and experience. Three of them were eminent jurists. The other two were men of ripe scholarship and varied attainments. All of them were men of affairs, and rigidly impartial. With ample means at their disposal, they spared no expense in order to make their investigations thorough and complete. They went behind the evidence sub-

<sup>1</sup> Venezuela was represented before the Commission by the Author, as Special Agent and General Counsel. England submitted her case through the State Department by Sir Julian (now Lord) Paunceforte, British Ambassador in Washington.

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mitted, and employed historical experts and linguists to search the old Dutch and Spanish colonial archives at The Hague and at Seville and Madrid, the Missionary records and maps at the Vatican in Rome, and any original manuscripts and maps bearing upon the subject that could be found in the great libraries of the world. Everything having the remotest relevancy to the early discovery and settlement of Guayana, or to the condition and boundaries of the Spanish and Dutch settlements in the West Indies, from the beginning of the sixteenth to the close of the eighteenth century, was carefully collected, arranged in chronological order, translated, and critically examined.

Under this impartial and searching inquiry, it soon became apparent that the British claim to the north-west coast region, and to the great interior basin of the Cuyuni-Mazaruni, was practically without foundation; and that Venezuela's claim to the Essequibo region was little or no better supported.

The British claim to the two tracts first named, rested upon alleged prior occupation, or upon alleged continuous political control, by the Dutch; whereas there was not a particle of evidence that the Dutch had ever attempted to establish a settlement west of the Moroco, but abundant evidence that the whole Orinoco delta region, as far east as the Moroco, had always been under the exclusive political control of Spain. The Dutch had once, in 1757, attempted to establish a kidnapping and slave-trading station within the great interior basin of the Cuyuni; but the Spaniards drove them out, under assertion of sovereignty, in 1758-59, and they never returned.

The Venezuelan claim to the Essequibo region was based upon prior discovery and occupation, or upon continuous political control by the Spaniards. It ap-



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peared, however, as a matter quite beyond dispute, that while the Spaniards had been the first discoverers and occupants of that river, and possibly the first occupants of the triangular strip between it and the Moroco, they had abandoned both prior to the date of the Treaty of Munster of 1648; that they had never made a successful effort to reclaim any territory east of the Moroco; and that the Dutch and English had continuously occupied, or had exercised exclusive political control over this tract for about two hundred years.

In August, 1896, when these facts began to leak out, England intimated a willingness to modify her extreme position, and to submit her claims to arbitration without any reservation as to the so-called "Schomburgk line." This concession, however, was more apparent than real. For she now insisted upon the reservation of all "settled districts," and of any unoccupied adjacent territory over which she *then* exercised "political control." As this occupation and control, west of the Moroco river, was of recent date, and violent in origin, her proposition could not be accepted. Finally, however, after much discussion, a tentative agreement was entered into between the Secretary of State and the British ambassador, to arbitrate the question as a whole, covering all the territory between the Essequibo and the Orinoco rivers; but with the understanding that exclusive and continuous occupation during a period of fifty years next preceding the date of the Agreement, should give good and perfect title; and that exclusive "political control" over any unoccupied territory during the same period, might be deemed by the arbitrators sufficient to give good title.

The arbitral Tribunal was to be composed of five jurists, who should "investigate and ascertain the extent of the territories belonging to, or that might lawfully be

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claimed by, the United Netherlands, or by the Kingdom of Spain, respectively, at the time of the acquisition by Great Britain of the Colony of British Guiana," and "determine the boundary line between" British Guiana and Venezuela. In deciding the matters thus submitted, the Tribunal was to "ascertain all the facts" which it might deem necessary to a decision of the controversy, and to be governed by "such principles of international law," not inconsistent with certain Rules agreed upon, as it should deem applicable to the case. The "Rules" were as follows: —

"(a) Adverse holding or prescription during a period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district, as well as actual settlement thereof, sufficient to constitute adverse holding, or to make title by prescription."

"(b) The arbitrators may recognize and give effect to rights and claims resting on any other ground whatever, valid according to international law, and on any principles of international law which the arbitrators may deem to be applicable to the case, and which are not in contravention of the foregoing rule."

"(c) In determining the boundary line, if territory of one party be found by the tribunal to have been at the date of this treaty in the occupation of the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, the principles of international law, and the equities of the case, shall, in the opinion of the Tribunal, require."

Such was the agreement. It was some time before Venezuela could be induced to fully accept these terms. The Boundary Commission, which had been tacitly recognized by Great Britain, was still intact; and Venezuela preferred to await the final result of its investi-

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gations, and to abide by its decision, whatever that might be. Moreover, she did not quite relish the appearance of being ignored; for neither the government at Caracas, nor its accredited agent in Washington, had been very closely consulted as to the terms, and she naturally objected to the fifty years' period of prescription. However, when it was given out semi-officially by the Secretary of State (Mr. Olney) that the Boundary Commission would be dissolved, and that Venezuela could hope for no better terms, the agreement was embodied in the Treaty of Arbitration of February 2, 1897, the ratifications of which were duly exchanged at Washington on the 14th of June following.

## CHAPTER XXV

### THE AWARD BY THE ARBITRATION TRIBUNAL OF 1899

**I**N the two preceding chapters, we traced the Anglo-Venezuelan boundary dispute in Guayana from its remote origin, early in the seventeenth century, to the date of the treaty of February 2, 1897, whereby the whole question was to be referred to a court of arbitration. It is now in order to review the result of the proceedings of that tribunal, as announced in its final award of October 3, 1899, and to ascertain in how far its decision may be in accord with the conditions of the treaty, or warranted by the law and the facts in the case.

But first, in order to a clear understanding of the subject, let us briefly consider the unique character of the tribunal itself, and the conditions and limitations under which it entered upon its duties.

By the terms of the treaty, the tribunal was to be something of a novelty in the history of international affairs. It was not to be a commission composed of plenipotentiaries invested with diplomatic functions; nor was it to be an arbitral commission in the generally accepted sense. It was to be an international court of special judicature, composed of five *jurists*.<sup>1</sup> Two of these were to be chosen on the part of Great Britain, two on the part of Venezuela, and the fifth

<sup>1</sup> Art. ii. Tr. Feb. 2, 1897.

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(who was to be president of the tribunal) was to be selected by these four, or, in the event of their failure to agree, by the King of Sweden.<sup>1</sup> The two on the part of Great Britain were to be nominated by the Judicial Committee of Her Majesty's Privy Council; and the two on the part of Venezuela were to be nominated, one by the President of that Republic, and the other by the justices of the Supreme Court of the United States.<sup>2</sup>

Those selected on the part of Great Britain were Baron Herschel and Sir Richard Hen. Collins, of Her Majesty's Supreme Court of Judicature; but the first named having died soon after his appointment, Lord Chief Justice Russell was appointed to fill the vacancy, as provided in the treaty.<sup>3</sup> Those selected on the part of Venezuela were Chief Justice Fuller and Associate Justice Brewer of the Supreme Court of the United States. Each of the litigants was to be represented by an agent and by counsel.

As thus constituted, the tribunal was to have full and final jurisdiction of the case as a whole; and in order to a decision, the concurrent opinion of a majority of the judges was necessary.<sup>4</sup> The high contracting parties obligated themselves to consider such decision "a full, perfect, and final settlement of all of questions referred."<sup>5</sup>

The judges were to "investigate and ascertain the extent of the territories belonging to, or that might lawfully be claimed by the United Netherlands or by the Kingdom of Spain, respectively, at the time of the acquisition by Great Britain of the Colony of British Guiana," and to "determine the boundary line between the Colony of British Guiana and the United States

<sup>1</sup> Art. ii. Tr. Feb. 2, 1897.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> Art. v.

<sup>5</sup> Arts. iii. iv. and xiii.

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of Venezuela.”<sup>1</sup> And in deciding the matters thus submitted, they were to “ascertain all the facts” in the case, and to be governed by certain rules laid down in the treaty; *and, also*, “by such principles of international law” (not inconsistent with those rules) as the judges might “deem applicable to the case.”<sup>2</sup>

These rules are three in number, marked “a,” “b,” and “c,” in the treaty, and are identical in terms with those in the original protocol.<sup>3</sup> By the first,<sup>4</sup> “adverse holding or prescription during a period of fifty years” was “to make<sup>5</sup> a good title.” This clause was mandatory. It left to the judges no discretion in the premises. And it was certainly novel and unusual. Up to that time, all writers on international law who had advocated the application of the principle of prescription between nation and nation, had omitted to suggest any exact period of time within which title might be established by continuous material possession. All were agreed that prescription gave presumptive title only; that it was merely evidence of title and nothing more; that it neither *created* nor *destroyed* title. It created a presumption, equivalent to full proof, that good title existed, the origin of which had faded from memory. But it differed from full proof in this, namely, that while full proof was conclusive and final, prescription was conclusive only until it was met by counter-proof or by a stronger counter-presumption.<sup>6</sup>

<sup>1</sup> Arts. iii. and v. The word “the” was significantly substituted for “a” in the original draft of the protocol.

<sup>2</sup> Art. iv.

<sup>3</sup> *Supra*, p. 304.

<sup>4</sup> Marked “a” in the treaty.

<sup>5</sup> Not merely to create a presumption of title; thus indicating a new departure in the doctrine of prescription.

<sup>6</sup> Wharton, *Dig. Int. Law*, vol. i. § 2; Phillimore, vol. i.; Vattel, *Bk. i.*; Wheaton's *Elements*; Twiss, *Law of Nations*; Lawrence, *Law of Nations*, etc.

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By the second clause of Rule "a," the judges were authorized, at their discretion, to "deem exclusive political control of a district" for fifty years, as well as actual settlement during that period, "sufficient to constitute adverse holding, or to make<sup>1</sup> title by prescription." This clause, however, seems to have been inserted merely for the purpose of greater clearness and caution. Actual settlement, continuously maintained for fifty years, would, of course, be such an "adverse holding" as would establish good title under the plain terms of the first clause of the rule, actual "settlement" being understood as *fixed residence*, with intention, sufficiently made known, of always remaining there.<sup>2</sup> But both parties claimed to have held, or to have exercised exclusive political control over, large tracts of territory beyond their respective settlements, inhabited or roamed over only by savage tribes; and it was in consideration of *this* class of conflicting claims that the second clause in Rule "a" was inserted.<sup>3</sup>

By the second Rule, marked "b" in the treaty, the judges were authorized to "recognize and give effect to rights and claims resting on any other grounds whatever valid according to international law, and on any principle of international law" (not inconsistent with Rule "a"), which they might "deem applicable to the case."<sup>4</sup> In other words, the whole scheme of the treaty, barring the single exception in favor of the "fifty years" clause, was that the boundary line should be determined, not as a compromise or as a matter of expediency, but as a matter of *right*, and in accordance

<sup>1</sup> The word "make" is again employed in the treaty.

<sup>2</sup> Vattel, Law of Nations, Bk. i., chap. xix. § 218.

<sup>3</sup> Protocol and correspondence of January, 1897.

<sup>4</sup> Art. iv.

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with the principles of public law and the evidence submitted.

There were, also, certain *private* interests involved. During the fifteen or twenty years next preceding the date of the treaty, British subjects had overpassed the old *de facto* boundary line of 1768,<sup>1</sup> and had established what were claimed to be settlements there. In most instances, these "settlements" were probably little more than mining camps or police stations, and therefore lacked the element of permanency. In any case, they were too recent in origin to give title by prescription under Rule "a," even if other requisites had not been wanting. Nor could they come within the scope of that familiar rule of law which sometimes makes binding on the country all necessary administrative acts performed by the party in possession. Still, it was thought that, although trespassers from the beginning, and their presence a violation of the diplomatic agreement of 1850,<sup>2</sup> these alleged "settlers" might have acquired certain equities for improvements or betterments which ought to be recognized, quite independently of the question of boundary. So, to provide for these possible *private* interests, the third Rule, marked "c" in the treaty, was agreed upon. By that Rule, if, "in determining the boundary line, territory of one party" should be found to have been, at the date of the treaty, "in the occupation of the subjects or citizens of the other," the judges were authorized to give "such effect to such occupation as reason, justice, and the principles of international law and the equities of the case" might in their opinion require.<sup>3</sup>

Such was the character of the tribunal; such the

<sup>1</sup> See *supra*, chap. xxiii. pp. 273, 275; chap. xxiv. pp. 288, 292.

<sup>2</sup> See *supra*, chaps. xxiii. and xxiv.

<sup>3</sup> Art. iv. Rule "c."



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conditions and limitations under which it entered upon the discharge of its duties. Let us now recur, very briefly, to the more salient *facts* in the case, as disclosed by the evidence submitted, and to some of the principles of public law applicable thereto. But, before doing so, a word in explanation of the authorities to be cited seems necessary.

Both parties had appealed to the Dutch Archives at Georgetown and at The Hague, and to the Spanish Archives at Caracas, Seville, and Madrid, in support of their respective contentions. Certified copies of some of these documents had been submitted to the Washington Commission of 1896. But that commission, in order to verify these, and to collect such pertinent historical data as might have been overlooked or omitted, sent special experts and linguists to each of the depositories named, and collected certified copies of all documents found of record that had even the remotest bearing upon the question at issue. These, together with the documents submitted by the parties, were arranged in chronological order, with English translations in parallel columns, and printed in bound volumes. Official copies of these volumes were submitted in evidence before the Arbitration Tribunal, and will also be found in the Congressional and State Department Libraries at Washington, and in the public libraries at London and Caracas. For the sake of brevity, therefore, these documents will be cited here, by volume and page, as "Docs. Washn. Comn."

That Spain was the original discoverer of the territories in dispute, was not contested. The Dutch and English were second comers. Raleigh's first expedition, early in 1595, was nearly a century after the Spaniards had discovered, explored, and taken possession of the country in the name and by authority of

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the King of Spain.<sup>1</sup> The Dutch did not come till three years later, in 1598.<sup>2</sup> And both found the Spaniards in possession, with established settlements and fortifications sufficiently strong to successfully repel invasion.<sup>3</sup> Both came, then, as disseizers, and, as disseizers, neither held inchoate title to be perfected by actual settlement.<sup>4</sup> Neither had the exclusive *right* to occupy.<sup>5</sup> That remained with Spain, the original discoverer and first occupant.<sup>6</sup>

Spain, as the original discoverer, not only materially occupied substantial parts of each of the three tracts in the name of the whole, but she, in fact, excluded all others from the interior of each; and this, by itself, is held by all jurists to be a most decisive act of dominion.<sup>7</sup> Against such, or against any possession, a second comer may, in the absence of other controlling elements, acquire title by open, notorious, adverse occupation, if continued long enough; but, in such case, his title is limited to his actual occupation.<sup>8</sup> For a century and a quarter after discovery, Spain held each tract against all second comers. The English under Raleigh and Keymis, after twenty years of unsuccessful effort, failed to oust the Spaniards, or to

<sup>1</sup> Hackluyt, vol. xv. pp. 69-71; Winsor, *Nar. & Crit. Hist. Ama., Span. Ex. & Settl.*, 15th to 16th cent., vol. ii. pp. 133 *et seq.*; Irving, bk. x. chap. ii. and iii.; Peter Martyr, i. Lib. vi.; Las Casas, *Hist. Ind.*, lib. i. chap. 138; Herrera, lib. iii. chap. 10; Netscher, *Hist. Guayana*, chap. iii.

<sup>2</sup> The Hague Records, Docs. Washn. Comn. vol. ii. pp. 12-60 *et seq.*

<sup>3</sup> *Ibid.*; also Raleigh's Guiana.

<sup>4</sup> Marshall, C. J., 8 Wheat. 572; Paine's Repts. ii. 457; Whart. Dig. Int. Law, §§ 2-209; Twiss, *Law of Nations*, §§ 111-114; Phill. Int. Law, i. ccxxii.; Vattel, bk. i. § 207.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> The territories in dispute consisted of three well defined tracts, marked by natural monuments; see *supra*, chap. xxiii. pp. 273-275.

<sup>8</sup> *Ibid.*

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gain an entrance, much less to plant a single settlement in either tract.<sup>1</sup>

The Dutch were equally unsuccessful up to 1624,<sup>2</sup> when they entered the third tract (*i. e.*, the triangular strip between the Essequibo and the Pumarón) as belligerents.<sup>3</sup> They ascended the Essequibo river as far as the mouth of the Cuyuni, some forty-five miles from the coast; and thence ascended the Cuyuni, eight miles to the Cuyuni-Mazaruni junction, less than five miles below the great falls in those rivers, where they found an abandoned Spanish fort, which they occupied.<sup>4</sup> At that time the Spaniards still held the great interior basin of the Cuyuni-Mazaruni, whose only available entrance was then, as now, from the Orinoco side.<sup>5</sup> And they still held exclusive possession of the northwest coast region.<sup>6</sup>

It was not till the middle of the eighteenth century that the Dutch attempted to penetrate the country above the lower Cuyuni falls. As soon as their presence was discovered, they were promptly driven out by the Spaniards, under assertion of title, and never afterwards returned.<sup>7</sup> Similarly, in 1768, the Dutch traders were driven out of the Barima river, in the

<sup>1</sup> Span. Arch. (Docs. Washn. Comn.) i. p. 30; Schomb's Raleigh, pp. 79, 92, 149; Gumilla, *Hist. de las Indias*, pp. 9-79; Hackluyte, xv. pp. 69-71, 80; Docs. Washn. Comn., i. pp. 40-42, ii. pp. 13-22; Winsor, ii. and iii., *loc. cit.*; Hume, *Hist. Eng.*, ii. p. 90, and Note; Molliens' *Travels*, etc., p. 124, etc.

<sup>2</sup> Docs. Washn. Comn., i. pp. 166-179, 100 *et seq.*; ii. pp. 23-39, 102, 127, 128; iv. Atlas.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*; also *supra*, chap. xxiii.

<sup>6</sup> *Ibid.*

<sup>7</sup> Span. Arch. (Docs. Washn. Comn.) ii. pp. 1-35 *et seq.*; Dutch Arch. (Docs. Washn. Comn.) vols. i. and ii.; Br. Blue Book (Sup. Ed. 1896), pp. 111-115; 117-137; and 154-166.

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northwest coast region, and never afterwards returned.<sup>1</sup> So that thenceforth a *de facto* divisional line was established, beginning at the mouth of the Moroco river, and running thence along the natural water-parting, around to the great falls in the rivers Cuyuni and Mazaruni, and thence in direct line southeast to the great falls in the Essequibo.<sup>2</sup>

Even up to 1838 the situation had not materially changed, except that the Dutch outpost on the coast east of the Moroco having been abandoned, the English claimed only to the Pumaron river, which had been officially announced as the westernmost limits of the Colony of British Guiana.<sup>3</sup> In 1846, two years after the "Schomburgk line" had been disclaimed by Lord Aberdeen on behalf of his government,<sup>4</sup> and the posts and monograms which had marked its existence had been taken down or obliterated by his order,<sup>5</sup> the British had practically abandoned the Pumaron, their westernmost settlements then being some fifteen miles east of that river.<sup>6</sup> Nor had these conditions materially changed in 1850, when the *status quo ante* was established by diplomatic agreement.<sup>7</sup>

It is true that Schomburgk, in 1840, and Lord Salisbury some forty years later, claimed prior occupation by the Dutch of Barima Point, and also of the entire Barima river region up to the Moroco. But in both instances this claim was conclusively shown to be without foundation. The Dutch had never really occu-

<sup>1</sup> Docs. Washn. Conn., ii. pp. 414-426; i. pp. 231-234; ii. pp. 394, 639, 644-647, 659-661.

<sup>2</sup> *Ibid.*; *supra*, chap. xxiii.

<sup>3</sup> Parl. Papers, 1828, vol. xxiii., App.; Parl. Paps., 1839, vol. xxxv. p. 424; Docs. Washn. Conn., vol. vii.

<sup>4</sup> *Supra*, chaps. xxiii. and xxiv.

<sup>5</sup> *Ibid.*

<sup>6</sup> Parl. Papers, vol. 63, Appendix.

<sup>7</sup> Parl. Papers, vol. 53, App.; Docs. Washn. Conn. vol vii.

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ped a foot of ground, nor ever controlled a single navigable stream, west of the Moroco river.<sup>1</sup> The only semblance of fact in support of Schomburgk's claim is an incident which occurred in 1683. In the beginning of the "dry season," in that year, when the Indians would be collecting dyes and other products of the forest, Abraham Beekman, Commandeur of the Essequibo Colony, which was then under the control of the Dutch West India Company, caused, for the first time, an employé of the company to "visit" the upper reaches of the Barima river,<sup>2</sup> "close by the Pumaron,"<sup>3</sup> for the purpose of bartering with the natives.<sup>4</sup> That the "visit" or sojourn of this employé was to be temporary and experimental, and in no sense an *occupation*, is abundantly shown by Commandeur Beekman's letter to the managers of the company.<sup>5</sup>

By the end of March, 1684, just as the periodical "wet season" was about setting in, the Commandeur, still acting on his own responsibility, and without authority or instructions from the company or from the Dutch government, caused to be built there "a little shelter"<sup>6</sup> for the accommodation of the Pumaron "outrunner,"<sup>7</sup> who was to "visit" that locality in order

<sup>1</sup> *De Laet*, p. 583; Docs. Washn. Comn., vol. i. pp. 248-249, 261-263; vol. ii. pp. 257 *et seq.*

<sup>2</sup> Not the Barima *channel*, as is sometimes erroneously stated.

<sup>3</sup> Docs. Washn. Comn., vol. ii. pp. 155-158.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.* pp. 158-160.

<sup>6</sup> *Plaisterhuisje*, an improvised and temporary shed of bamboo and leaves, resting on four posts set in the ground, such as an Indian would build in a single night. (Docs. Washn. Comn., vols. i. and ii. pp. 203-204, loc. cit.; 150, 161, 172, 257; Netscher, pp. 374, 377.)

<sup>7</sup> The Dutch West India Company kept agents or "outrunners" (*uilloopers*) who scoured by canoe or on foot remote districts, stirring up the Indians to bring in the native products of the forest and barter them at the nearest "post" or trading station. Sometimes these "outrunners" would carry into the wilderness rum and trinkets for exchange, and return with the Indian productions.

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to stir up the Indians to greater activity in the dye trade.<sup>1</sup> In reporting this to the company, the Com-mandeur expressed the hope that his action would be approved, in which case (but not otherwise) he proposed to establish an "outliership" there. Should his action not be approved, then the "outrunner's visits," as also the "little shelter," would be abandoned.<sup>2</sup>

His action was never approved; nor was his suggestion as to a permanent outliership ever considered.<sup>3</sup> On the contrary, he was severely reprimanded for transcending his authority; his financial honor was impeached; his commercial common-sense discredited; and even the bad grammar of his official letters was mercilessly criticised.<sup>4</sup> Soon afterwards he was dismissed from the service, although he had never again alluded to the subject of the proposed Barima "post."<sup>5</sup> Neither did his successor, nor the directors of the company ever once allude to it.<sup>6</sup> Nor do the muster rolls of the company's employés (complete from 1691 to 1703) show the existence of any "post," "fort," or other Dutch establishment on or anywhere near the Barima, from its mouth to its source.<sup>7</sup> Moreover, the company's payrolls, and those of the Essequibo Colony (both complete from the year 1700 on) never once mention a Barima "post," or anything like it.<sup>8</sup>

Such was the only foundation for the claim, so persistently repeated since Schomburgk's time, that the

<sup>1</sup> Docs. Washn. Conn., ii. pp. 150, 161, 172, 257.

<sup>2</sup> Docs. Washn. Conn., ii. pp. 155-159, 160-169.

<sup>3</sup> *Ibid.*

<sup>4</sup> Docs. Washn. Conn., i. p. 268; ii. pp. 164-169, 170-172, 181, 182;

Netscher, pp. 372-374.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Docs. Washn. Conn., ii. pp. 192-199.

<sup>8</sup> *Ibid.*

Dutch once had a "post," or a "fort," or a "settlement," or a "plantation," or a something implying permanent *occupation* at or near the mouth of the Barima river! And we have already seen<sup>1</sup> that the persistently-repeated claim, that the Dutch once occupied the interior basin of the Cuyuni-Mazaruni, never had any better foundation than the fact that some Dutch slave-traders were once driven out of there by the Spaniards, under assertion of title, and that the Dutch government, by acquiescing, conceded title to Spain.

Under these circumstances, presumptive title to both tracts as *wholes* was with Venezuela as the legal successor of Spain, and the burden of proof lay with the adverse claimant.

Having failed to prove her title by *occupation*, England was thrown back upon her claim to title in virtue of exclusive *political control*; and this she sought to establish by the alleged maintenance, first by the Dutch, and subsequently by the English, of "Protectorates of Indians" in the uninhabited districts of those tracts.

It is difficult to understand how a claim predicated on such grounds could be seriously considered by a judicial tribunal. A protectorate, as we have seen,<sup>2</sup> implies *statehood* on the part of the protected; and it is established when the protection is secured by engaging to perform certain service, or to pay certain tribute for service performed.<sup>3</sup> It can exist by treaty only between organized bodies politic, the compact differing from ordinary treaties only in so far as it creates a difference in the dignity of the contracting parties.<sup>4</sup> It cannot exist where one of the parties is a tribe of

<sup>1</sup> *Supra*, chaps. xxiii. and xxiv.

<sup>2</sup> *Supra*, *ibid.*

<sup>3</sup> Vattel, bk. i. chap. xvi. § 192

<sup>4</sup> *Ibid.*

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especially in times of slave insurrections, and were paid for their services in rum and trinkets.<sup>1</sup>

When the slave trade ceased, the Dutch, and afterwards the English, sought to conciliate these savage tribes, and to keep them from raiding the feeble Essequibo settlements, by periodical "presents" to the chiefs and their adherents.<sup>2</sup> But both declared, again and again, that this was done to buy peace of the savages, of whose strength and ferocity the colony was in constant dread,<sup>3</sup> and not as an obligation in virtue of any prior contract or agreement.<sup>4</sup>

Up to 1831 these relations between the whites and Indians had not changed. The British colonial authorities neither claimed nor exercised jurisdiction or control over the Indians in the territories west of the old *de facto* line of 1768. This fact was very clearly brought out in the course of a trial of an Indian for murder by a British colonial court in May of that year. The jurisdiction of the court had been challenged on the ground that the murder took place beyond the limits of the colony.<sup>5</sup> The sworn testimony adduced was that there were "no white settlers" above the first or lower Cuyuni falls, and "only two or three" between those falls and the Mazaruni junction;<sup>6</sup> that some Indians also lived between those falls and the junction;<sup>7</sup> and that the murder took place in *this* region (*i. e.*, *below* the falls), and therefore within British jurisdiction.<sup>8</sup> On this testimony, the court decided that it had jurisdiction;<sup>9</sup> the plain implication being that it had none *above* the falls.

<sup>1</sup> Docs. Washn. Conn., vol. ii.

<sup>2</sup> *Ibid.*; Br. Blue B., 1896 (Venez).

<sup>3</sup> *Ibid.*

<sup>4</sup> Br. Blue Book, 1896; Docs. Washn. Conn., vol. ii.

<sup>5</sup> *Ibid.* App. pp. 168-177.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*



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The mass of testimony at the trial disclosed another important fact, namely, that at no time or place had either the Dutch or English "protected" or assumed to protect or control any Indian tribes outside the immediate limits of the actual settlements.<sup>1</sup> In other words, the alleged "Protectorate of Indians" was a myth, pure and simple.

On the other hand, it is shown by the Seville Archives<sup>2</sup> that the Spaniards, who claimed and exercised jurisdiction over these territories, gathered the more docile tribes of Indians into mission towns and settlements; pursued and chastised those who, having been thus incorporated, ran away;<sup>3</sup> coerced the more fierce and refractory tribes into submission, or drove them out or exterminated them;<sup>4</sup> and forced the Indians to the civilizing effects of steady labor by compelling its performance against their will.<sup>5</sup> All this had been done openly and continuously for more than two centuries; yet it nowhere appears, nor has it ever been alleged, that the Dutch or English ever once protested or instituted measures to prevent it. What the Dutch did was to employ the Caribs to kidnap other Indians for the slave market;<sup>6</sup> to make raids for this purpose into territories remote from the Dutch settlements;<sup>7</sup> and when these raiders were caught by the Spaniards, to abandon them, without protest or remonstrance, to the tender mercies of their captors.<sup>8</sup>

Nor had the relations between the whites and Indians materially changed in 1840. In that year Schomburgk found, in the northwest coast region,<sup>9</sup> what he con-

<sup>1</sup> Br. Blue Book, 1896; Docs. Washn. Comn., vol. ii.

<sup>2</sup> Docs. Washn. Comn., vol. viii. No. ii.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*; also, vol. ii.

<sup>8</sup> *Ibid.*

<sup>9</sup> That is, the coast region west of the Morocco.

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sidered "cruelty and oppression" practised by the Venezuelans against the Indians;<sup>1</sup> yet it seems never to have occurred to him, nor to the British authorities with whom he conferred, that the English were or ever had been "protectors" of these unfortunate Indians, and therefore competent to interpose in their behalf. On the contrary, both he and the colonial governor saw but one way by which these Indians might be "protected," and that was by so extending the boundaries of the colony as to include the territory which they occupied. At any rate, it was not till after the so-called "Schomburgk line" had been set up, and therefore not till after the Barima region had been included in the British claim in virtue of alleged prior *occupation*, that any solicitude was manifested for the welfare of the Indians. It was then, for the first time, that the Demarara authorities were directed to "resist any aggressions upon the Indians" by Venezuela; and the order was expressly limited to Indians living *within* the new boundaries set up by Schomburgk, and therefore within the assumed territorial limits of the British colony.

Such, in brief outline, was the evidence submitted to the Tribunal of Arbitration. To recount all the collateral facts and corroborative testimony would require volumes. The entire evidence adduced by the contestants constitutes sixteen printed volumes, besides a great number of topographical and historical maps. Copies of all these are accessible to any one who may care to verify the facts herein-above stated.

After its final session at Paris, and, presumably, after a patient perusal of all the evidence, the Arbitration Tribunal announced its decision on the 3d of

<sup>1</sup> Parl. Papers, 1840, vol. xxxiv.; Schomb. Rep., Blue Book and Supplement, 1896.

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October, 1899. With respect to boundary, that decision was unanimous; and the divisional line agreed upon is described in Volume II. of the Proceedings, as follows:—

“Starting from the coast at Point Playa<sup>1</sup> the line of boundary shall run in a straight line to the river Barima at its junction with the river Mururuma,<sup>2</sup> and thence along the midstream of the latter river to its source, and from that point to the junction of the river Hiowa<sup>3</sup> with the Amukaru,<sup>4</sup> and thence along the midstream of the Amakuru to its source in the Imataka Ridge,<sup>5</sup> and thence in a southwesterly direction along the highest ridge of the spur of the Imataka mountains to the highest point of the main range of such Imataka mountains opposite to the source of the Barima, and thence along the summit of the main ridge in a southeasterly direction of the Imataka mountains to the source of the Acarabisi<sup>6</sup> to the Cuyuni, and thence along the northern bank of the river Cuyuni westward to its junction with the Wenamu,<sup>7</sup> and thence following the midstream to the Wenamu to its westernmost source, and thence in a direct line to the summit of Mount Roraima, and from Mount Roraima to the source of the Cotinga,<sup>8</sup> and along the midstream of that river to its junction

<sup>1</sup> “Duck Point” of recent charts; also “Guayana Point” in the Sailing Directions for the Hobbs Chart, page 31. It is the northwestern point of entrance to the Waini river, and is about 25 miles east of Moco-moco Point.

<sup>2</sup> Various spelled *Mururuiana*, *Mururusima*, and *Murunama*.

<sup>3</sup> Sometimes misspelled *Halowa*.

<sup>4</sup> Various spelled *Amacura*, *Amakura*, *Amacuro*, *Amacourou*, *Amacoura*, etc.

<sup>5</sup> Various called the *Imataka* Range, the *Serrania de Ymataca*, and *Serrania de Imataka*. It is the dividing ridge between the Northwest coast region and the great interior basin of the Cuyuni-Mazaruni.

<sup>6</sup> Sometimes designated as a *rivulet*, sometimes as a *river*, sometimes as a *creek*. It is a small stream, navigable only at certain seasons by light canoes.

<sup>7</sup> Various spelled *Venamo*, *Venam*, *Wenamo*, etc. A small, tortuous stream impeded by rapids.

<sup>8</sup> *Zuruma* on some of the old maps.

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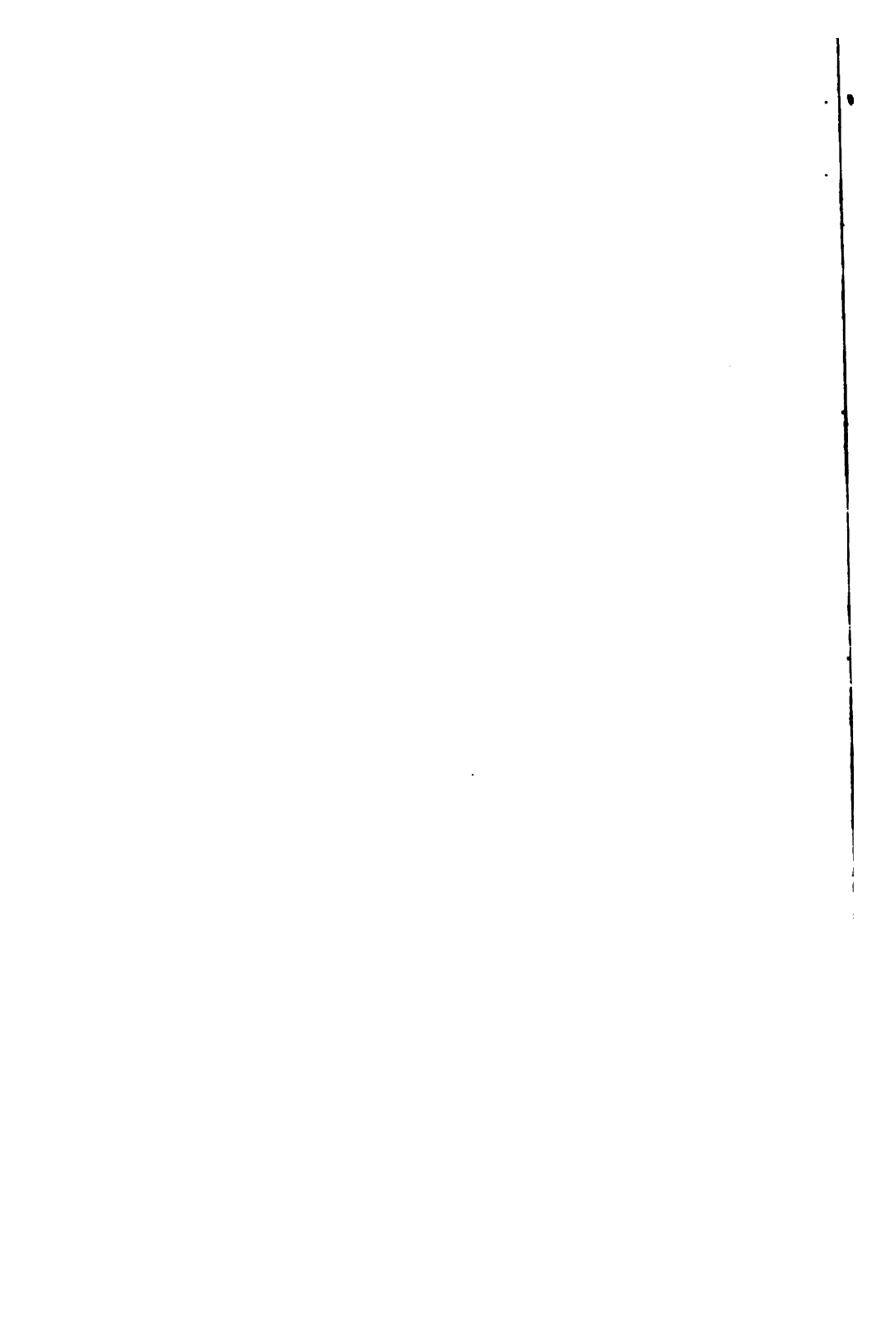
with the Takutu, and thence along the midstream of the Takutu to its source, thence in a straight line to the westernmost point of the Akarai mountains, and thence along the ridge of the Akarai mountains to the source of the Corentin, called the Cutari river."

As this decision is final, and must be so regarded by both parties, it would be idle and unprofitable to offer any criticisms upon it. That it is a compromise, pure and simple, is manifest; and I am willing to believe that it was prompted by the purest of motives, and by the wisest considerations of expediency. But the question naturally arises, Where, in the treaty, is there any authority for compromises by a tribunal whose functions were expressly and purely *judicial*? True, the tribunal was the sole judge of the facts, and of the law applicable to the case; and it was fully authorized to "determine" the divisional line. But there is a wide difference between determining a pre-existent *de facto* or *de jure* line, and the making of an arbitrary line *de novo*. For the new line thus set up follows neither historical facts, tradition, or legal precedent; nor is it a conventional line drawn according to the old "middle distance" rule.

Even as a compromise line, granting the power to compromise, its practical utility is open to question. It seems to have been established without much regard to topographical conformation, or to the convenience of the adjacent proprietors. It bisects the island of Barima, cuts at right angles the navigable section of one river, divides the ownership of another, partitions a section of an indivisible delta, and divides the sovereignty of a well-defined *tract*, the limits of which are plainly marked by natural monuments of rivers and mountains, and which is accessible only through the territory of one of the proprietors. These conditions,

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instead of proving to be a bond of friendship between the two proprietors, seem more likely to give rise to endless misunderstandings and conflicting interests, and therefore to become a source of perennial discord.

However, let us hope that these apprehensions may never be justified, and that a spirit of comity and good neighborhood may henceforth prevail between the two late adverse claimants. The mouths of the Orinoco have been awarded to Venezuela, their true and rightful owner; and that, after all, was the great point of contention. And, aside from all other considerations, the decision is a peaceful adjustment of a long standing and acrimonious international controversy which, otherwise, might have involved the whole continent in a war, the cost of which would have been more than a hundredfold the value of the entire territory in dispute.

## CHAPTER XXVI

### THE PRINCIPLE OF INTERNATIONAL ARBITRATION<sup>1</sup>

**A**RBITRATION, *arbitratio*, is a word which seems to have an equivalent, more or less exact, in every written language; and the thing indicated by it is probably known, in some form or other, to all peoples, whether savage or civilized.

At any rate, it is safe to assume that the principle of arbitration, as applied in the settlement of private disputes between individuals, is as old as the oldest civilization; and the probabilities all are that it is very much older. For, in the progress of society, a considerable length of time must have elapsed, after the ideas of property and exclusive rights of individuals had arisen in the minds of men, before any compulsory system of distributive justice was established. During that unsettled period, there must have arisen many disputes involving the rights of person and property; and such of these as were not appealed to arms could have been settled only in one of three ways. Some of them may have been adjusted by mutual concession and agreement between the parties themselves; others may have been settled through the intervention of friends; but perhaps the majority of the more important disputes were referred to some indifferent person or

<sup>1</sup> This chapter embodies the substance of an address delivered by the author at the Fifth Annual Mohonk Conference on International Arbitration, in June, 1899.



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persons in whose wisdom and equity both parties confided, — that is to say, were settled by arbitration.

Arbitration, then, as applied to the practical affairs of life between individuals, must have been coeval with the earliest dawn of civilization, if, indeed, it did not precede it. That it was the forerunner of our common-law courts, and the ancestor of our modern jury system, is, I think, quite obvious. Of course its exact origin is unknown and unknowable; for, like the old English common law, of which it is a part, it reaches back through mists and traditions of ages to a time quite beyond the memory of man.

In its more modern and complex form, as incorporated in the judicial systems of all civilized peoples, arbitration has been described as “an adjudication by private persons, appointed to decide a matter or matters in controversy, on a formal reference made to them for that purpose.” From which it appears there are three cardinal points of difference between a court of arbitration and a court of law.

In the first place, the arbitrators are “private persons,” as distinguished from officials. They hold no commission from the state, and represent no sovereign power. They cannot, therefore, compel attendance nor impose fines and penalties for contempts. Their authority may be revoked by the will of either party at any time before the award; and after the award is once made their functions cease altogether. They cannot revise their own decisions, nor can the case be reopened, except by a new agreement between the litigants.

In the second place, the proceedings in a court of arbitration, unlike those in an ordinary court of law, are governed by rules previously agreed upon by the parties in interest, or by the arbitrators themselves if

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so authorized, rather than by legislative enactments or judicial precedents. There are no technical pleadings, and special forms are unnecessary. In a court of law, a mere technical error in the pleadings may indefinitely delay or even wholly defeat the ends of justice; but in a court of arbitration, the litigant may state every circumstance connected with his case without apprehension of failure through ignorance of mere form.

Again, in an ordinary action at law, it is seldom possible to decide more than a single question at a time; and thus it sometimes happens that one lawsuit becomes the fruitful source of others. But a court of arbitration may decide upon all collateral issues, set one claim or injury against another, and pronounce such a sentence as will put an end to all disputes between the contending parties. It is not ordinarily essential, therefore, that an arbitrator should be a member of the legal profession; for although it is often desirable that he should be acquainted with the fundamental principles of the law, his only *necessary* qualification is, that he be the choice of the disputants.

Finally, the award of an arbitral tribunal, unlike the sentence of a law court, is generally supposed to have no sanction other than a sense of honor or the fear of public opinion. This was so once, but it is no longer the case; for now, in most cases of private arbitration, the exceptions have become the rule. They occur where the reference was had at the suggestion or by order of some court of law, or where there is a general statute, or a series of statutes, providing for the enforcement of awards, as, for instance, in England and in some of the states of the United States. Even under the old English common law, an award properly and fairly made was held by the courts to be obliga-

tory; while in modern practice, there are so many indirect ways of enforcing an award by legal process, that, generally speaking, all awards, properly and fairly made, may be said to have legal sanction.

Paradoxical, then, as it may seem, there is such a thing as compulsory arbitration. It was known to the English law more than three centuries ago; for there were arbitrations of important cases by "rule of court," prior to the first statute on the subject under William III. ; and since that time there have been long series of statutes, whereby the cases that may or must be referred to arbitration have been so multiplied that a bare enumeration of them would be tedious. Indeed, all cases are now referable to arbitration, save only such as arise out of the administration of the criminal law, or out of agreements and transactions against public policy; and even in some of these, where there is a remedy by civil action as well as by indictment, a reference of the matter in dispute has been held to be good, and the award sustained by legal action.

The same general principle permeates our whole American system of jurisprudence. The old English common law, and the principle of arbitration as part of that law, prevailed in each of the thirteen colonies; and it prevails to-day, in each of the original states of our federal Union, except where it has been modified or repealed by statute. Even by legislative enactments in some of the states, as, for instance, in Pennsylvania, as early as 1705, compulsory arbitration was extended to a class of cases hitherto unknown to the laws of England; and by the present civil codes of all the states, with, possibly, one or two exceptions, every matter of controversy, whether in suit or otherwise, may be referred to arbitration. And whether the reference be by agreement between the parties

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themselves, or any rule of court, the award generally has some form of legal sanction. By the Revised Statutes of the United States, all civil controversies are referable to arbitration; and in pagan and Moham-  
medan countries, where, by treaty, our ministers and consuls exercise judicial functions, arbitration of private disputes is often made compulsory.

The application of the principle of arbitration to disputes between nations, although a logical sequence of advanced civilization, is of more recent origin. One hundred and seventeen years ago, when Robert R. Livingston, of New York, first suggested it as a rational substitute for war, and predicted that the example of it then being made by two of the New England states in the adjustment of their boundary dispute, would soon become general, the idea was ridiculed as being too visionary and impracticable to merit serious consideration.

And yet, what do we see to-day? When two governments disagree, either as to the validity or amount of a claim by one against the other, the first thing usually proposed is arbitration, which is generally accepted. The natural and appropriate method of settling all such differences is now almost universally acknowledged to be by mixed commission or by an umpire. Where there are reciprocal claims and set offs, it is now a rule in the practice of nations to refer the whole to an arbitral commission. Even the higher and more vital class of international disputes, such as relate to boundaries, to the interpretation of treaties, to title by prescription, and to other issues involving intricate and delicate questions of public law, are now generally referred to a joint commission of jurists.

All this is of modern origin. It has come about within the past hundred years. For, prior to the

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opening of the nineteenth century, there had hardly been a single instance of international arbitration worthy of the name. Since then, however, there have been about one hundred and twenty, or an average of one and one-tenth for every year; and to more than half of these the United States has been a party. The sixteen Latin-American states have been parties to about twenty-five. England, as the leader of the movement in Europe, has been a party to about thirty-two. The Pan-American Conference of 1890 went a step farther, and recommended that international arbitration be adopted as "a principle of American public law," and made compulsory in all cases except only in controversies involving national independence. Only these last were to remain optional.

Since then the proposition has been advanced, by the two great English-speaking nations of the world, to establish a permanent international court of arbitration for the adjudication of all disputes between them, and that its decision be enforced by both. This broad principle was soon afterwards embodied in the draft of a treaty between the United States and England, in 1897. The treaty failed of ratification by the United States Senate only because it had been hastily and unskilfully drawn, and was thought to be crude and faulty in form. The principle itself was not controverted.

But how shall a permanent court of international arbitration be established; and how shall its sentences be enforced without war? The questions are recognized as presenting many difficulties; and yet they are not more difficult than those which were presented in the original project of our own federal Constitution. It will be recalled to mind by those familiar with the discussions pending the final adoption of the Constitu-

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tion, that some of the ablest and most experienced statesmen of that time considered it practically impossible to establish such a compact as would reconcile local or state sovereignty with national solidarity and supremacy; and it was thought still more impracticable to attempt to establish a great inter-state tribunal which should have cognizance of all cases of controversy between the state and federal governments, between the citizens of the different states, and between the states themselves. Nevertheless, all this was successfully accomplished; and although that great tribunal—the Supreme Court of the United States—in the exercise of its constitutional functions, has frequently set aside legislative enactments, state and federal, its decisions have been uniformly respected, and the court itself recognized as the highest authority in the land.

In the light of such a conspicuous example, and of subsequent experiences attesting the utility of international arbitration, the project of a permanent international tribunal ought not to be prejudged as visionary and impracticable. Such a tribunal could be established by treaty between some two or more of the leading nations of the world, as, for instance, between England, Germany, and the United States. If the experiment should prove satisfactory, other civilized nations would very soon come into the arrangement; and the mere fact of the existence of such a tribunal, to which all irreconcilable differences might be referred for impartial adjudication, would make an appeal to arms less justifiable, and therefore more difficult. It would afford the contending parties more time for mature reflection, put them under the restraint of enlightened public opinion, cause them to act less from passion and the impulse of the moment, and, in the

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majority of cases, prevent war. Even if, at first, the tribunal should fail of complete success, as did the Supreme Court of the United States during the first months of its existence, public sentiment would soon grow up to its requirements, and would ultimately support and enforce its decisions; and thus would be realized the very highest ideal of modern Christian civilization.

## CHAPTER XXVII

### MORE ABOUT "PANAMA CANAL PROJECTS"

**W**HEN the De Lesseps Panama Canal Company broke down and went into the hands of receivers, as related in Chapter II. of this book, they had expended about \$260,000,000 and had incurred an interest-bearing debt of some \$40,000,000. A considerable portion of this money, and perhaps the larger part of these outstanding obligations, had been contributed or was held by French citizens, most of whom were comparatively poor men who had been induced by extravagant promises to invest their earnings in the ill-fated enterprise.

The only available assets of the company consisted of about 90 per cent of the Panama Railway stock and two canal ditches, one 17 and the other 4 miles long, between Colon and Bohio, and between Panama and Miraflores. There was also an excavation at Culebra heights, pronounced by eminent engineers to be useless, and a large quantity of machinery, most of which was worthless and none of which could have been sold for more than 20 per cent of its original cost. The franchise of the company, obtained under the Salgar-Wyse concession of 1878, was, of course, forfeitable. But the Colombian government, in the hope of securing the canal even against hope, had agreed, conditionally, to extend the concession for a few years.



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The receivers caused surveys and estimates to be made for a canal with locks, to take the place of the originally projected sea-level one; and the French government, anxious to relieve its citizens, but somewhat unmindful of prior assurances to the United States, authorized a lottery bond scheme to aid the receivers to raise money and proceed with the work.

With these assets in hand, a new company was created to take over the franchise and property of the old one, free of debt, and to complete the canal on the new plan. An extension of the franchise to the year 1893 was obtained on payment to Colombia of ten million francs,—about \$2,000,000. The new company (organized under decree of the French law courts) had a capital stock of only sixty-five million francs, or say about \$13,000,000. With this, and such other funds as they might be able to raise, it was proposed to complete a canal that had already cost nearly \$300,000,000, and was not one-fourth finished. In consideration of this agreement, the assets of the old company, including their stock in the Panama Railroad, were turned over to them.

Under this arrangement, 5,000,000 francs in stock of the new company and 5,000,000 francs in gold were paid to Colombia for a still further extension of the franchise until October 30, 1904. The new company had stipulated with the French tribunal that they would complete the canal by that time; and they further agreed, after paying all expenses, to divide the net earnings of the canal on the basis of 60 per cent to the receivers of the old company and 40 per cent to themselves. But the Panama Railway stock, which had cost the old company \$18,000,000, was to be inalienable in the hands of the new company. In case the canal should not be completed, this stock was to remain the property of the latter on payment of \$5,000,000 to the

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receivers of the former. This would leave \$13,000,000 of the stock with the new company, no matter what might happen; so that, in any event, they would be securely fortified against possible loss.

It does not appear that any additional stock was ever subscribed to the new company, or that any more money was ever raised by them for the completion of the canal. The fact is, little or no work was ever done by them. But to keep up appearances, and prevent Colombia from declaring the franchise forfeited, they made a pretence of continuing the excavation at Culebra heights, while permitting the two ditches at the opposite ends of the line to become filled with sediment and overgrown with tropical jungle. In other words, they evinced no serious purpose to complete the canal, but seemed to be waiting for some favorable opportunity to sell out at a profit.

This opportunity soon presented itself. The events of the Spanish-American War had demonstrated the great importance, if not absolute necessity, of an isthmian canal under American control. Public sentiment demanded that such a canal should be opened with as little delay as possible, and at whatever cost. And under pressure of this public sentiment the so-called "Hepburn Bill," providing for such a canal by the Nicaragua route, passed the lower House of Congress with but two dissenting votes. But covert opposition to the measure was soon developed in the Senate, and the bill failed to become a law. It was openly charged at the time that this opposition was inspired from two opposite sources,—the great trans-continental Railways and the new Panama Canal Company: one for the purpose of delaying or defeating any isthmian canal project; the other for the purpose of dumping the company's holdings upon the United States at an

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extravagant price. However, we are not now dealing with motives, but with accomplished facts.

The Salgar-Wyse concession, already twice legally forfeitable, but twice extended by Colombia for valuable considerations, had now only a few years to live; so that the chance of the new company to save themselves and be in a position to drive a bargain with the United States depended upon their ability to obtain a still further extension of the franchise. To this end, they appointed two special agents, — one to operate on the government at Bogotá, the other to operate on the government at Washington. On payment of a snug sum of money, the Bogotá agent procured the desired extension of the franchise; the Washington agent, meanwhile, was importuning the government of the United States to purchase the company's holdings at a fabulous price.

President McKinley, who probably saw through the transparent scheme, now directed the Secretary of State to negotiate and conclude an agreement with the governments of Nicaragua and Costa Rica for a canal under American control across that part of the isthmus, which was promptly done. The old Clayton-Bulwer treaty of 1850 was no longer in the way of such an agreement, because Great Britain had already assented to its formal abrogation.

The new Panama Canal Company now became alarmed, and dropped in their price from \$160,000,000 to \$40,000,000; and that they would have dropped still further in their price rather than miss the sale, hardly admits of reasonable doubt. But the canal Commission appointed by President McKinley under authority of a law of Congress, after having informally decided in favor of the Nicaragua route, now reversed their decision and reported in favor of the Panama route. They did this, however, with the proviso that

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good title to the new company's holdings could be had for \$40,000,000, that Colombia would assent to the transfer, and that she would make liberal and just concessions to the United States.

This changed the whole aspect of the case. It now remained only to procure Colombia's consent to the proposed transfer, for the company to show good title, and for Congress to authorize the purchase. The Colombian government, through its duly accredited agents in Washington, readily agreed to the transfer; and on the 28th of June, 1902, Congress passed the Act known as "the Spooner law," authorizing the President to conclude the necessary treaty with Colombia, and to purchase the new Panama Canal Company's holdings at the price named, — \$40,000,000. In case the company should be unable to make good title, and favorable terms could not be made with Colombia "within a reasonable time," the Act authorized the President to proceed on the Nicaragua route.

On the 22d of January, 1903, Secretary Hay, by direction of President Roosevelt, concluded with the Colombian Envoy a satisfactory convention, usually cited as "the Hay-Heran treaty," the first article of which is in terms as follows: —

"The government of Colombia authorizes the new Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all shares or parts of shares of said company."

Language could hardly be made plainer or more specific. The grant thus made covered expressly all "the rights, privileges, and concessions" of the new Panama Canal Company, as well as all their other property. Moreover, the protocols and other official documents now of record show that the consent of Colombia to

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the proposed sale and transfer had been previously given in so many ways, and at so many different times, that there could be no possible room for doubt as to what was intended. The subject had been repeatedly and officially brought to the notice of the United States government by the Colombian Envoy; and it was on the faith of these repeated representations and assurances that the negotiations were entered into.

In view of these facts, it seems almost incredible that the executive government of Colombia was acting with a mental reservation, or that it contemplated a practical repudiation of its own action in case certain demands upon the canal company, then unknown to the United States, should not be complied with.

But the facts are that only twenty-nine days prior to the signing of the treaty, the executive government of Colombia had officially notified the President of the new Panama Canal Company, and subsequently the attorney of that company at Bogotá, to have a special agent present at that capital by the time Congress should convene. This agent, it was urged, should have "ample and sufficient authority and power to deal with all points" to be settled with the company concerning "the rights and obligations existing" between them and the Republic. Assurances were given that Colombia would not "oppose" the proposed transfer; but the notes stated plainly that Colombia would "demand and require" of the company "a sum of money" which should be "previously agreed upon," and also "the cancellation of every liability and obligation" which the Republic "had contracted in virtue of the original concession for the opening of the isthmus of Panama."

This could have but one meaning. Colombia was going to "demand," as a condition precedent to her consent to the transfer, that the company not only pay

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a "sum of money," but likewise "the cancellation of every obligation incurred" by her in virtue of the very concession which the company proposed to sell! In other words, it was proposed to deprive the government of the United States of "the rights, privileges, and concessions" which constituted the chief consideration for the \$40,000,000.

For obvious reasons, the government of the United States could never have assented to such a transaction as this. Neither could the canal company have acceded to the demands of Colombia. Had they done so, the President would have been unable to consummate the proposed purchase; for the company would have surrendered to Colombia a material part of their holdings for which he had been authorized by Congress to make payment. Nor could the treaty itself have been carried out; for it expressly stipulated (in article 25) that the payments to be made to Colombia by the United States were not only in compensation for the right to use the canal zone, and to indemnify that Republic for the annuity it had renounced and the greater expense it might incur, but also "in compensation for other rights, privileges, and exemptions granted." Among these "other rights and privileges," was the right to acquire the "rights, privileges, and concessions" of the new company, granted in article 1 of the treaty already quoted. If these were cancelled, as Colombia demanded, it would fundamentally change the terms of the agreement and defeat the purchase.

Another important side-light is cast upon the attitude of Colombia in this matter. On the 10th of June, 1903, the agent of the new canal company had a conference with Mr. Beaupré, the American minister at Bogotá. At that conference the agent told the minister (so the latter reported to the State Department) that he had

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received "an official note" from the Colombian government stating in effect that the Hay-Heran treaty would be ratified "if the new canal company would pay to Colombia \$10,000,000." This statement was made confidentially, of course; but it is now part of the public official record in the case, and so far as I know has never been challenged. And it is the more significant when we remember that Señor Maroquin, then President of Colombia, by whose direction the treaty had been negotiated and signed, and who stood pledged for its ratification, was at that time practically a Dictator with absolute powers.

On the 20th of June, 1903, — just ten days after this, — the Colombian Congress convened in extraordinary session, in obedience to the call of the President, for consideration of the treaty; that is, as every one supposed, for formally ratifying it. But in his Message, referring thereto, the President said he would "leave the full responsibility which the decision of this matter brings, with Congress." This was capable of two opposite constructions. It might mean that if the Congress should fail to ratify the treaty, the responsibility for the consequences would be with that body. Or, it might mean that the President occupied a position of neutrality, and that Congress must assume all responsibility either for the approval or rejection of the treaty. Seven days later, however, — that is to say, on the 27th of June, — Mr. Beaupré cabled the State Department that "the friends of the government" (that is, of the Dictator-President) were in "complete control" in both Houses.

On the 2d of July following, Mr. Beaupré reported to the State Department that "a majority of the Senators" had informally "declared their opposition to the treaty!" Ten days later, he reported by cable that he had been requested to say the treaty could not be rati-

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fied without two important amendments. One was to article 1, stipulating payment of \$10,000,000 to Colombia by the canal company "for the right to transfer" its holdings to the United States. The other was to article 25, "increasing payment to \$15,000,000" to Colombia, as the price for the right to use the canal zone, —the price stipulated in the treaty for this purpose being only \$10,000,000.

Mr. Hay cabled in reply, July 13, that "neither of the proposed amendments" would "stand any chance of acceptance" by the United States Senate; and that "any amendments whatever, or any unnecessary delay in the ratification of the treaty" would "imperil its consummation."

On the 21st of July, the Colombian Minister for Foreign Affairs, Señor Rico, inquired of Mr. Beaupré whether the proposed modifications of the treaty "would be considered as violating the Spooner law;" that is, the Act of June 28, 1902.

To this Mr. Hay replied by cable, July 31, that the government of "the United States" had "no right or competence to covenant with Colombia to impose new financial obligations upon the company;" that "the President" would "not submit to the Senate any amendments to the treaty in that sense," but would "treat it as voiding the negotiation and bringing about a failure to conclude a satisfactory treaty with Colombia;" that "no additional payment by the United States could hope for approval by the Senate;" and that "any amendment whatever requiring reconsideration" by that body "would most certainly imperil the consummation of the treaty."

On the 12th of August following, the Colombian Senate rejected the treaty! Mr. Beaupré cabled the State Department not to regard this as "final;" that a



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reaction in public sentiment was likely to set in; and that a motion to reconsider might be expected. But the only feasible scheme that was ever talked of was to frame a law authorizing the Executive "to continue and finish the negotiations for a canal without further recourse to Congress," and that failed.

Up to August 24 there had been no further action. The government seemed to be waiting to learn the attitude of the United States. So under that date Mr. Hay cabled Mr. Beaupré that "the President would make no engagement as to his action on the canal matter, but that it was improbable that any definite action would be taken within two weeks."

Five days more passed, and nothing was done. The government was awaiting still further advices from Washington! So on the 29th, Mr. Hay again cabled that the President was bound by the Spooner law; that by its provisions he was given "a reasonable time" to arrange a satisfactory treaty with Colombia; that when, in his judgment, that time had expired and he was not able to make a satisfactory arrangement as to the Panama route, he would proceed to carry into effect the alternative of the statute providing for a canal by the Nicaragua route; meantime, that the President would enter into no engagement restraining his freedom of action under the statute.

Still the Bogotá government delayed action. It did not seem to realize the gravity of the situation. It could not be made to believe that the alternative of the Nicaragua route, provided for in the Spooner law, was anything more than a bluff to force Colombia into terms. The manifest purpose now was to delay action until the concession of the new canal company should expire; or until the company, in apprehension of forfeiture of its franchise, would agree to pay to Colombia \$10,000,000

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of the \$40,000,000 it was to receive from the United States; or, possibly, in the hope that the United States, rather than lose the Panama route, would reverse its decision and ultimately agree to increase the sum named in article 25 of the treaty for the use of the canal zone.

Other influences also were now at work which made any satisfactory arrangement improbable. The treaty had been rejected (as Mr. Beaupré reported, September 11), not only in the hope of getting better terms, but also as a means of dealing a blow to the Maroquin administration, which had become unpopular. Seeing how the political game was being played, Maroquin abandoned any serious purpose he may have had to procure the ratification of the treaty, and turned his attention to averting from himself the current of opposition that had set in. His aim now was to make it appear that the rejection of the treaty was intended as a protest against what was asserted to be the "dictatorial attitude" of the United States!

The Colombian Congress adjourned on the 31st of October, after having been in session nearly five months. The treaty had stood rejected since August 12. There had been no motion to reconsider. Nor had there been any manifestation of a serious purpose to provide for a resumption of negotiations on a basis acceptable to the United States. On the contrary, there had been shown an unmistakable purpose to delay all negotiations until the concession held by the Panama Canal Company should expire by limitation, or until it should become forfeitable at the option of the Colombian government.

Meantime the people of Panama, through whose territory the proposed canal would pass, had become extremely dissatisfied with the dilatory tactics of the Bogotá government. Revolution and separation from

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the Colombian confederation had been openly talked of since August 12, when the treaty was rejected. This sentiment now assumed definite and organized shape; and on the 4th of November, by a unanimous movement, the people of that Department dissolved their political connection with the Republic of Colombia, and resumed their independence as a sovereign State. This was accomplished without the loss of a single life or the firing of a gun.

On the 6th of November, the provisional government thus established accredited a minister plenipotentiary to the United States. Soon after his arrival in Washington, he presented his credentials through the regular diplomatic channel, and was duly received in his official capacity. And on the 18th of November, he and Secretary Hay signed a treaty for the opening of a ship canal by the United States across the isthmus of Panama.

After reciting the desire of the high contracting parties to "insure the construction of a ship canal across the isthmus of Panama," and the law of Congress (of June 28, 1902) authorizing the President's action in the premises, the treaty alleges that "the sovereignty" of the territory through which the canal should pass had become "vested in the Republic of Panama." It then stipulates, in Article 1, that "the United States guarantees and will maintain the independence of the Republic of Panama."

By the second article, the Republic of Panama grants to the United States "in perpetuity the use, occupation, and control" of a zone ten miles wide "beginning in the Caribbean Sea three marine miles from the low-water mark and extending across the isthmus of Panama into the Pacific Ocean three marine miles from the mean low-water mark;" but with the proviso that "the cities of

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Panama and Colon," which are within this zone, "shall not be included" in the grant. In like manner, a grant is made to the United States "in perpetuity" of "all islands within the limits of the ten-mile zone."

By the third article, Panama grants to the United States "all the rights, power, and authority" within the ten-mile zone, "which the United States would possess and exercise if it were the sovereign of the territory" to the entire exclusion of the exercise of such sovereign rights, powers, or authority by the Republic of Panama.

In other words, the authority of the United States within the canal zone is absolute, save only with respect to the municipalities of Colon and Panama. And even this reservation is modified by article 7. For the government of the United States is therein granted "the right to acquire by purchase, or by exercise of the right of eminent domain," within the limits of said cities, "any lands, buildings, water rights, or other properties" that it may deem "necessary for the construction, maintenance, operation, and protection of the canal" or "for purposes of sanitation." Those municipalities are to "comply in perpetuity" with such sanitary regulations as the United States may see fit to prescribe; and if the Republic of Panama shall be unable or shall fail to enforce such compliance, the United States is granted "the right and authority to enforce the same."

By article 8, a grant is made to the United States of "all rights which the Republic of Panama now has or hereafter may acquire in the property of the new Panama Canal Company, as a result of the transfer of sovereignty" over the isthmus from Colombia. It likewise authorizes that company "to sell and transfer to the United States its rights, privileges, properties, and concessions, and all shares or parts of shares it may hold in the Panama Railway Company." And by article 22,

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the Republic of Panama, as the successor in title of Colombia, "renounces and grants to the United States any participation to which it may be entitled in the future earnings of the canal" under the Salgar-Wyse concession of 1878, or extensions and modifications thereof; also, all claims of a pecuniary nature arising under or relating to the concessions to the Panama Railway Company which might otherwise belong to the Republic of Panama as the heir of Colombia; also "all right, title, and interest" which the Republic now has, or may hereafter have, in and to the lands, the canal, works, property, and rights held by either or both of said companies, by concession or otherwise, and acquired or to be acquired by the United States from or through the new Panama Canal Company, "including any property or rights which might or may in the future, either by lapse of time, forfeiture, or otherwise, revert to the Republic of Panama" under any concessions or contracts with either or both of those companies.

That is to say (as emphasized in article 21) the rights and privileges granted to the United States are to be "free of all anterior debts" and obligations; consequently, if there should arise any claims on account of the grants, and the transfer of the canal company's holdings, the claimants must resort to the Republic of Panama, and not to the United States, for indemnity.

The ports at either entrance of the canal, and also those of Colon and Panama, are to be forever free. No "customs, tolls, tonnage, or taxes of any kind" are to be demanded or collected, except such only as may be imposed by the United States for the use of the canal, or such as may be imposed by the Republic of Panama upon goods and merchandise destined for use outside the canal zone, or upon vessels touching at the ports of Colon and Panama, but do not pass through the canal.

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By article 14, the price or compensation to be paid to Panama for the rights, etc., granted to the United States is fixed at \$10,000,000 U. S. gold; and, in addition to this, there is to be an annual payment of \$250,000 during the life of the treaty,—the first-named sum to be paid at the time of exchange of ratifications; the second to begin nine years from the date of the treaty.

Provision is made (in articles 6 and 15) for the protection of the rights of private land and property owners in the canal zone. All damages thereto caused by the construction and operation of the canal, are to be appraised and settled by a joint commission. This commission is to be composed of four persons, two of whom are to be appointed by the United States and two by the Republic of Panama. In case these four shall be equally divided in opinion touching any given point, an umpire is to be named by the two governments. And in all cases the decision and awards of the commission as to damages, etc., is to be final. The awards as to damages are to be paid solely by the United States. But no part of the work on the canal, nor on the railroad, nor on the works of sanitation authorized by the treaty, shall be "prevented, delayed, or impeded by or pending the proceedings to ascertain such damages;" and the appraisal of private lands and property, and assessments of damages thereto, are to be "based upon their values before the date of the treaty."

When the canal and the entrances to it shall have been constructed, they are to be neutral in perpetuity, and open to the commerce of the world in conformity with the stipulations in the convention between the United States and England of November 18, 1901. The government of the Republic of Panama is to have the right to transport its vessels, troops, and munitions of war over the canal free of charge; and a like exemption is ex-

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tended to the auxiliary railways for the transportation of persons in the service of the Republic of Panama, and to its police force charged with the preservation of order outside the canal zone.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of ships that make use of the same, the United States is granted the right (in articles 23 and 24), at all times and in its discretion, to use its police and land and naval forces, or to establish fortifications for these purposes.

Lastly, if at any time the Republic of Panama should enter as a constituent into any other government, or into any union or confederation of States, so as to merge its sovereignty in such government or confederation, the rights of the United States acquired by this treaty are not to be in any way lessened or impaired thereby.

Such, in brief, are the salient points in the treaty with the "Baby Republic" of Panama. It was agreed to and signed, as I have said, on the 18th of November, 1903, — two weeks after the people of that State severed their political connection with the Republic of Colombia. It was duly ratified by both governments, and the ratifications were exchanged at Washington on the 26th of February, 1904. The new Panama Canal Company produced satisfactory title, and were duly paid the \$40,000,000 for their holdings. The Republic of Panama, having executed the stipulated concessions, was paid the \$10,000,000 for the use of the canal zone. And thus the transaction stands closed.

It is claimed that this was accomplished legitimately, and in strict accordance with international usage and the law of Congress. There have been, and possibly still are, some differences of opinion on both these points. But the people have indorsed the action of the President in the premises; and, moreover, what has been

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done is an accomplished fact and cannot now be undone, even if that were desirable.

The rights of sovereignty of even the weakest and most insignificant of the Central and South American States should be scrupulously respected by the great powers, and more especially by the United States, which stands in a peculiar relation to them. But these rights should be exercised in a spirit befitting the occasion and the wants and necessities of civilization. Sovereignty has its duties as well as its rights. Neither Colombia nor other of those governments, even if administered with more regard to the just demands of commercial nations than they have sometimes been, can be permitted to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of international trade and travel belong to them exclusively, and therefore that they may choose to close them; or, what is equivalent to the same thing, to encumber them with such exorbitant and unreasonable demands and unjust relations as would prevent their general use.

It was the great design of the guarantee by the United States, in the 35th article of the Treaty of 1846 with New Granada (now Colombia) to dedicate the isthmus of Panama to the purposes of inter-oceanic transit. Never at any time had that guarantee been held, by either government, to be an obligation by the United States to protect Colombia against the consequences of internal dissension or domestic insurrection. The obligation was to protect the sovereignty of Colombia against possible designs by foreign powers, and to keep open and free the isthmian transit.

It is very true that, under a general rule of international law, a new State should not be recognized as independent until it has shown its ability to maintain its



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independence. The rule is derived from the principle of non-intervention, to which the United States has long stood committed. But like all general rules, and the principle of non-intervention from which it is deduced, it has its exceptions; and the present case was one in point. Our treaty rights of 1846 were involved; our national interests and safety were at stake; and the interests of collective civilization were involved.

By the Act of Congress of June 28, 1902, the President was authorized to secure for the United States the property and franchise of the new Panama Canal Company, and the perpetual control of a strip of land not less than six miles wide across the isthmus of Panama. In case he should be unable to obtain a satisfactory title from the canal company, and the control of the necessary territory from Colombia within a reasonable time, he was to endeavor to provide for a canal, under American control, by the Nicaragua route. He was not authorized to go to Nicaragua under any other conditions. The company produced title, and the Republic of Panama, as the successor in title of Colombia, granted control of the necessary territory on the isthmus. The alternative of the Nicaragua route was thus eliminated from the obligation imposed by the law. If, therefore, there has been a mistake in the choice between the two routes, as some very able and patriotic men have contended, the responsibility for it should rest where it belongs; namely, with the canal Commission and with Congress.



## Appendix A

**T**REATY of Arbitration for the settlement of the question of Boundary between the Republic of Venezuela and the Colony of British Guiana, signed February 2, 1897. Rati- fications exchanged June 14, 1897.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of Venezuela, being desirous to provide for an amicable settlement of the question which has arisen between their respective governments concerning the boundary between the Colony of British Guiana and the United States of Venezuela, have resolved to submit to arbitration the question involved, and to the end of concluding a treaty for that purpose, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Julian Pauncefote, a member of Her Majesty's Most Honorable Privy Council, Knight Grand Cross of the Most Honorable Order of the Bath and of the Most Distinguished Order of St.

Los Estados Unidos de Venezuela y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda, deseando estipular el arreglo amistoso de la cuestión que se ha suscitado entre sus respectivos Gobiernos acerca del límite de los Estados Unidos de Venezuela y la Colonia de la Guayana Británica, han resuelto someter dicha cuestión á arbitramento, y á fin de concluir con ese objeto un tratado, han elegido por sus respectivos Plenipotenciarios:

El Presidente de los Estados Unidos de Venezuela, al Señor José Andrade, Enviado Extraordinario y Ministro Plenipotenciario de Venezuela en los Estados Unidos de América:

Y Su Majestad la Reina del Reino Unido de la Gran Bretaña é Irlanda al Muy Honorable Sir Julian Pauncefote, Miembro del Muy Honorable

Michael and St. George, and her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

And the President of the United States of Venezuela, Señor José Andrade, Envoy Extraordinary and Minister Plenipotentiary of Venezuela to the United States of America:

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

#### ARTICLE I

An arbitral tribunal shall be immediately appointed to determine the boundary line between the Colony of British Guiana and the United States of Venezuela.

#### ARTICLE II

The tribunal shall consist of five jurists: Two on the part of Great Britain, nominated by the members of the Judicial Committee of Her Majesty's Privy Council, namely, the Right Honorable Baron Herschell, Knight Grand Cross of the Most Honorable Order of the Bath; and the Honorable Sir Richard Henn Collins, Knight, one of the Justices of Her Britannic Majesty's Supreme Court of

Consejo Privado de Su Majestad, Caballero Gran Cruz de la Muy Honorable Orden del Baño y de la Muy Distinguida Orden de San Miguel y San Jorge, y Embajador Extraordinario y Plenipotenciario de Su Majestad en los Estados Unidos:

Quienes, habiéndose comunicado sus respectivos plenos poderes que fueron hallados en propia y debida forma, han acordado y concluido los artículos siguientes:

#### ARTÍCULO I

Se nombrará inmediatamente un Tribunal arbitral para determinar la línea divisoria entre los Estados Unidos de Venezuela y la Colonia de la Guayana Británica.

#### ARTÍCULO II

El Tribunal se compondrá de cinco Juristas; dos de parte de Venezuela, nombrados, uno por el Presidente de los Estados Unidos de Venezuela, á saber, el Honorable Melville Weston Fuller, Justicia Mayor de los Estados Unidos de América, y uno por los Justicias de la Corte Suprema de los Estados Unidos de América, á saber, el Honorable David Josiah Brewer, Justicia de la Corte Suprema de los

Judicature; two on the part of Venezuela nominated, one by the President of the United States of Venezuela, namely, the Honorable Melville Weston Fuller, Chief Justice of the United States of America, and one nominated by the Justices of Supreme Court of the United States of America, namely, the Honorable David Josiah Brewer, a Justice of the Supreme Court of the United States of America; and of a fifth jurist to be selected by the four persons so nominated, or, in the event of their failure to agree within three months from the date of the exchange of ratifications of the present treaty, to be selected by His Majesty the King of Sweden and Norway. The jurist so selected shall be president of the tribunal.

In case of the death, absence or incapacity to serve of any of the four arbitrators above named, or in the event of any such arbitrator omitting or declining or ceasing to act as such, another jurist of repute shall be forthwith substituted in his place. If such vacancy shall occur among those nominated on the part of Great Britain the substitute shall be appointed by the members for the time being of the Judicial Committee of Her Majesty's Privy Council, acting by a majority, and if among those nominated on the part of

Estados Unidos de América; dos de parte de la Gran Bretaña nombrados por los miembros de la Comisión Judicial del Consejo Privado de Su Majestad, a saber, el Muy Honorable Barón Herschell, Caballero Gran Cruz de la Muy Honorable Orden del Baño, y el Honorable Sir Richard Henn Collins, Caballero, uno de los Justicias de la Corte Suprema de Judicatura de Su Majestad; y de un quinto Jurista, que será elegido por las cuatro personas así nombradas, ó, en el evento de no lograr ellas acordarse en la designación dentro de los tres meses contados desde la fecha del canje de las ratificaciones del presente Tratado, por Su Majestad el Rey de Suecia y Noruega. El Jurista á quien así se elija será Presidente del Tribunal.

En caso de muerte, ausencia ó incapacidad para servir de cualquiera de los cuatro arbitros arriba mencionados, ó en el evento de que alguno de ellos no llegue á ejercer las funciones de tal por omisión, renuncia ó cesación, se sustituirá inmediatamente por otro Jurista de reputación. Si tal vacante ocurre entre los nombrados por parte de Venezuela, el sustituto será elegido por los Justicias de la Corte Suprema de los Estados Unidos de América, por mayoría; y si ocurriere entre los nombrados por parte de la Gran Bretaña, elegirán al sustituto, por mayoría, los que fueren en

Venezuela he shall be appointed by the Justices of the Supreme Court of the United States, acting by a majority. If such vacancy shall occur in the case of the fifth arbitrator, a substitute shall be selected in the manner herein provided for with regard to the original appointment.

#### ARTICLE III

The tribunal shall investigate and ascertain the extent of the territories belonging to or that might lawfully be claimed by the United Netherlands or by the Kingdom of Spain, respectively, at the time of the acquisition by Great Britain of the Colony of British Guiana — and shall determine the boundary line between the Colony of British Guiana and the United States of Venezuela.

#### ARTICLE IV

In deciding the matters submitted, the arbitrators shall ascertain all facts which they deem necessary to a decision of the controversy, and shall be governed by the following rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the arbitrators shall determine to be applicable to the case.

tonces miembros de la Comisión Judicial del Consejo Privado de Su Majestad. Si vacare el puesto de quinto arbitro, se le elegirá sustituto del modo aqui estipulado en cuanto al nombramiento primitivo.

#### ARTÍCULO III

El Tribunal investigará y se cerciorará de la extensión de los territorios pertenecientes á las Provincias Unidas de los Países Bajos ó al Reino de España respectivamente, ó que pudieran ser legítimamente reclamados por aquellas ó éste, al tiempo de la adquisición de la Colonia de la Guayana Británica por la Gran Bretaña, y determinará la línea divisoria entre los Estados Unidos de Venezuela y la Colonia de la Guayana Británica.

#### ARTÍCULO IV

Al decidir los asuntos sometidos á los arbitros, estos se cerciorarán de todos los hechos que estimen necesarios para la decisión de la controversia, y se gobernarán por las siguientes reglas en que están convenidas las altas partes contratantes como reglas que han de considerarse aplicables al caso, y por los principios de derecho internacional no incompatibles con ellas, que los arbitros juzgaren aplicables al mismo:

*Rules.*

(a) Adverse holding or prescription during a period of fifty years shall make a good title. The arbitrators may deem exclusive political control of a district as well as actual settlement thereof sufficient to constitute adverse holding or to make title by prescription.

(b) The arbitrators may recognize and give effect to rights and claims resting on any other ground whatever valid according to international law and on any principles of international law which the arbitrators may deem to be applicable to the case and which are not in contravention of the foregoing rule.

(c) In determining the boundary line, if territory of one party be found by the tribunal to have been at the date of this treaty in the occupation of the subjects or citizens of the other party, such effect shall be given to such occupation as reason, justice, the principles of international law and the equities of the case shall, in the opinion of the tribunal, require.

## ARTICLE V

The arbitrators shall meet at Paris, within sixty days after the delivery of the printed arguments mentioned in Article VIII., and shall proceed impartially and carefully to ex-

*Reglas:*

(a) Una posesión adversa ó prescripción por el término de cincuenta años constituirá un buen título. Los arbitros podrán estimar que la dominación política exclusiva de un distrito, así como la efectiva colonización de él, son suficientes para constituir una posesión adversa ó crear título de prescripción.

(b) Los arbitros podrán reconocer y hacer efectivos derechos y reivindicaciones que se apoyen en cualquier otro fundamento válido conforme al derecho internacional, y en cualesquiera principios de derecho internacional, que los arbitros estimen aplicables al caso y que no contravengan á la regla precedente.

(c) Al determinar la línea divisoria, si el Tribunal hallare que territorio de una parte ha estado en la fecha de este Tratado ocupado por los ciudadanos ó súbditos de la otra parte, se dará á tal ocupación el efecto que, en opinión del Tribunal, requieran la razón, la justicia, los principios del derecho internacional, y la equidad del caso.

## ARTÍCULO V

Los arbitros se reunirán en París dentro de los sesenta días después de la entrega de los argumentos impresos mencionados en el Artículo VIII., y procederán á examinar y decidir

amine and decide the questions that have been or shall be laid before them as herein provided on the part of the Governments of Her Britannic Majesty and the United States of Venezuela respectively.

Provided always that the arbitrators may, if they shall think fit, hold their meetings or any of them at any other place which they may determine.

All questions considered by the tribunal, including the final decision, shall be determined by a majority of all the arbitrators.

Each of the high contracting parties shall name one person as its agent to attend the tribunal and to represent it generally in all matters connected with the tribunal.

#### ARTICLE VI

The printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the arbitrators and to the agent of the other party as soon as may be after the appointment of the members of the tribunal, but within a period not exceeding eight months from the date of the exchange of the ratifications of this treaty.

imparcial y cuidadosamente las cuestiones que se les hayan sometido ó se les presentaren, según aquí se estipula, por parte de los Gobiernos de los Estados Unidos de Venezuela y de Su Majestad Británica respectivamente.

Pero queda siempre entendido que los arbitros, si lo juzgan conveniente, podrán celebrar sus reuniones, ó algunas de ellas, en cualquier otro lugar que determinen.

Todas las cuestiones consideradas por el Tribunal, inclusive la decisión definitiva, serán resueltas por mayoría de todos los arbitros.

Cada una de las altas partes contratantes nombrará como su Agente una persona que asista al Tribunal y la represente generalmente en todos los asuntos conexos con el Tribunal.

#### ARTÍCULO VI

Tan pronto como sea posible después de nombrados los miembros del Tribunal, pero dentro de un plazo que no excederá de ocho meses contados desde la fecha del canje de las ratificaciones de este Tratado, se entregará por duplicado á cada uno de los arbitros y al Agente de la otra parte, el Alegato impreso de cada una de las dos partes acompañado de los documentos, la correspondencia oficial y las demás pruebas, en que cada una se apoye.



## ARTICLE VII

Within four months after the delivery on both sides of the printed case, either party may in like manner deliver in duplicate to each of the said arbitrators, and to the agent of the other party, a counter case, and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

If, in the case submitted to the arbitrators, either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the arbitrators, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance notice thereof within thirty days after delivery of the case; and the original or copy so requested shall be delivered as soon as may be, and within a period not exceeding forty days after receipt of notice.

## ARTICLE VIII

It shall be the duty of the agent of each party, within three months after the expira-

## ARTÍCULO VII

Dentro de los cuatro meses siguientes á la entrega por ambas partes del Alegato impreso, una ú otra podrá del mismo modo entregar por duplicado á cada uno de dichos Arbitros, y al Agente de la otra parte, un contra-Alegato y nuevos documentos, correspondencia y pruebas, para contestar al Alegato, documentos, correspondencia y pruebas presentados por la otra parte.

Si en el Alegato sometido á los arbitros una ú otra parte hubiere especificado ó citado algún informe ó documento que esté en su exclusiva posesión, sin agregar copia, tal parte quedará obligada, si la otra cree conveniente pedirla, á suministrarle copia de ello y una ú otra parte podrá excitar á la otra, por medio de los Arbitros, á producir los originales ó copias certificadas de los papeles aducidos como pruebas, dando en cada caso aviso de esto dentro de los treinta días después de la presentación del Alegato; y el original ó la copia pedidos se entregarán tan pronto como sea posible y dentro de un plazo que no exceda de cuarenta días después del recibo del aviso.

## ARTÍCULO VIII

El Agente de cada parte, dentro de los tres meses después de la expiración del tiempo

tion of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said arbitrators and to the agent of the other party a printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the arbitrators by oral argument of counsel; and the arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel, upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

#### ARTICLE IX

The arbitrators may, for any cause deemed by them sufficient, enlarge either of the periods fixed by Articles VI., VII., and VIII. by the allowance of thirty days additional.

#### ARTICLE X

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the arbitrators who may assent to it.

The decision shall be in duplicate, one copy whereof

señalado para la entrega del contra-Alegato por ambas partes, deberá entregar por duplicado á cada uno de dichos arbitros y al Agente de la otra parte un argumento impreso que señale los puntos y cite las pruebas en que se funda su Gobierno, y cualquiera de las dos partes podrá también apoyarlo ante los arbitros con argumentos orales de su abogado; y los arbitros podrán, si desean mayor esclarecimiento con respecto á algún punto, requerir sobre él una exposición ó argumento escritos ó impresos, ó argumentos orales del abogado; pero en tal caso la otra parte tendrá derecho á contestar oralmente ó por escrito, según fuere el caso.

#### ARTÍCULO IX

Los Arbitros por cualquier causa que juzguen suficiente podrán prorogar uno ú otro de los plazos fijados en los Artículos VI, VII y VIII, concediendo treinta días adicionales.

#### ARTÍCULO X

Si fuere posible, el Tribunal dará su decisión dentro de tres meses contados desde que termine la argumentación por ambos lados.

La decisión se dará por escrito, llevará fecha y se firmará, por los Arbitros que asientan á ella.

La decisión se extenderá por

shall be delivered to the agent of Great Britain for his Government, and the other copy shall be delivered to the agent of the United States of Venezuela for his Government.

#### ARTICLE XI

The arbitrators shall keep an accurate record of their proceedings and may appoint and employ the necessary officers to assist them.

#### ARTICLE XII

Each Government shall pay its own agent and provide for the proper remuneration of the counsel employed by it and of the arbitrators appointed by it or in its behalf, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments, in equal moieties.

#### ARTICLE XIII

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration as a full, perfect, and final settlement of all the questions referred to the arbitrators.

#### ARTICLE XIV

The present treaty shall be duly ratified by Her Britannic Majesty and by the President of the United States of Vene-

ducado; de ella se entregará un ejemplar al Agente de los Estados Unidos de Venezuela para su Gobierno, y el otro se entregará al Agente de la Gran Bretaña para su Gobierno.

#### ARTÍCULO XI

Los Arbitros llevarán un registro exacto de sus procedimientos y podrán elegir y emplear las personas que necesiten para su ayuda.

#### ARTÍCULO XII

Cada Gobierno pagará á su propio Agente y proveerá la remuneración conveniente para el abogado que emplee y para los arbitros elegidos por él ó en su nombre, y costeará los gastos de la preparación y sometimiento de su causa al Tribunal. Los dos Gobiernos satisfarán por partes iguales todos los demás gastos relativos al arbitramento.

#### ARTÍCULO XIII

Las altas partes contratantes se obligan á considerar el resultado de los procedimientos del Tribunal de arbitramento como arreglo pleno, perfecto y definitivo de todas las cuestiones sometidas á los árbitros.

#### ARTÍCULO XIV

El presente Tratado será debidamente ratificado por el Presidente de los Estados Unidos de Venezuela con la apro-

zuela, by and with the approval of the Congress thereof; and the ratifications shall be exchanged in London or in Washington within six months from the date hereof.

In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Washington, the second day of February, one thousand eight hundred and ninety-seven.

JULIAN PAUNCEFOTE.

JOSÉ ANDRADE. [SEAL.]

[SEAL.]

bación del Congreso de ellos, y por Su Majestad Británica: y las ratificaciones se canjearán en Washington ó en Londres dentro de los seis meses contados desde la fecha del presente tratado.

En fé de lo cual los respectivos Plenipotenciarios hemos firmado este tratado y le hemos puesto nuestros sellos.

Hecho por duplicado en Washington, a dos de Febrero, de mil ochocientos noventa y siete.

JOSÉ ANDRADE. [SELLO.]

JULIAN PAUNCEFOTE. [SELLO.]

## Appendix B

**C**ONVENTION between the United States and the Republic of Panama for the construction of a ship canal to connect the waters of the Atlantic and Pacific oceans. Signed at Washington, November 18, 1903; ratification advised by the Senate, February 23, 1904; ratified by the President, February 25, 1904; ratified by Panama, December 2, 1903; ratifications exchanged at Washington, February 26, 1904; proclaimed, February 26, 1904.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries, —

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

### ARTICLE I

The United States guarantees and will maintain the independence of the Republic of Panama.

## ARTICLE II

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed ; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

## ARTICLE III

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

## ARTICLE IV

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the

rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

#### ARTICLE V

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific ocean.

#### ARTICLE VI

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any Article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said Canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

## ARTICLE VII

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the Canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.



## ARTICLE VIII

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the Canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

## ARTICLE IX

The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon

as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for other works pertaining to the Canal.

#### ARTICLE X

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

#### ARTICLE XI

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

#### ARTICLE XII

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the Canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said Canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

#### ARTICLE XIII

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and

other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

#### ARTICLE XIV

As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars (\$10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars (\$250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

#### ARTICLE XV

The joint commission referred to in Article VI shall be established as follows :

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision ; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments who shall render the decision. In the event of the death, absence, or incapacity of a Commissioner or Umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the umpire shall be final.

## ARTICLE XVI

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

## ARTICLE XVII

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

## ARTICLE XVIII

The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

## ARTICLE XIX

The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

## ARTICLE XX

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

## ARTICLE XXI

The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

## ARTICLE XXII

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the Canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the

expiration of the terms of ninety-nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

#### ARTICLE XXIII

If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

#### ARTICLE XXIV

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV

For the better performance of the engagements of this convention and to the end of the efficient protection of the Canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ARTICLE XXVI

This convention when signed by the Plenipotentiaries of the Contracting Parties shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

JOHN HAY [SEAL]  
P. BUNAU VARILLA [SEAL]





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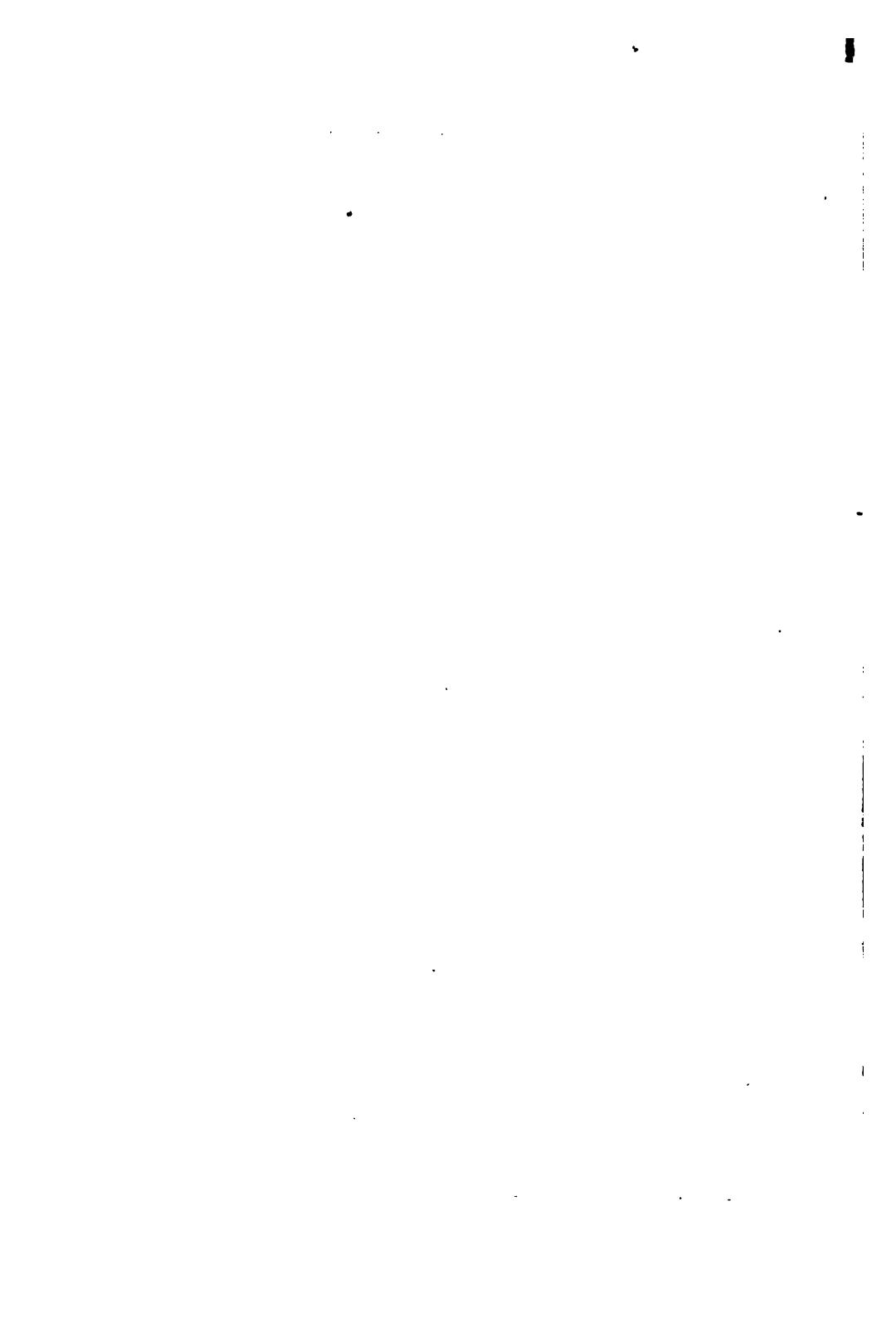
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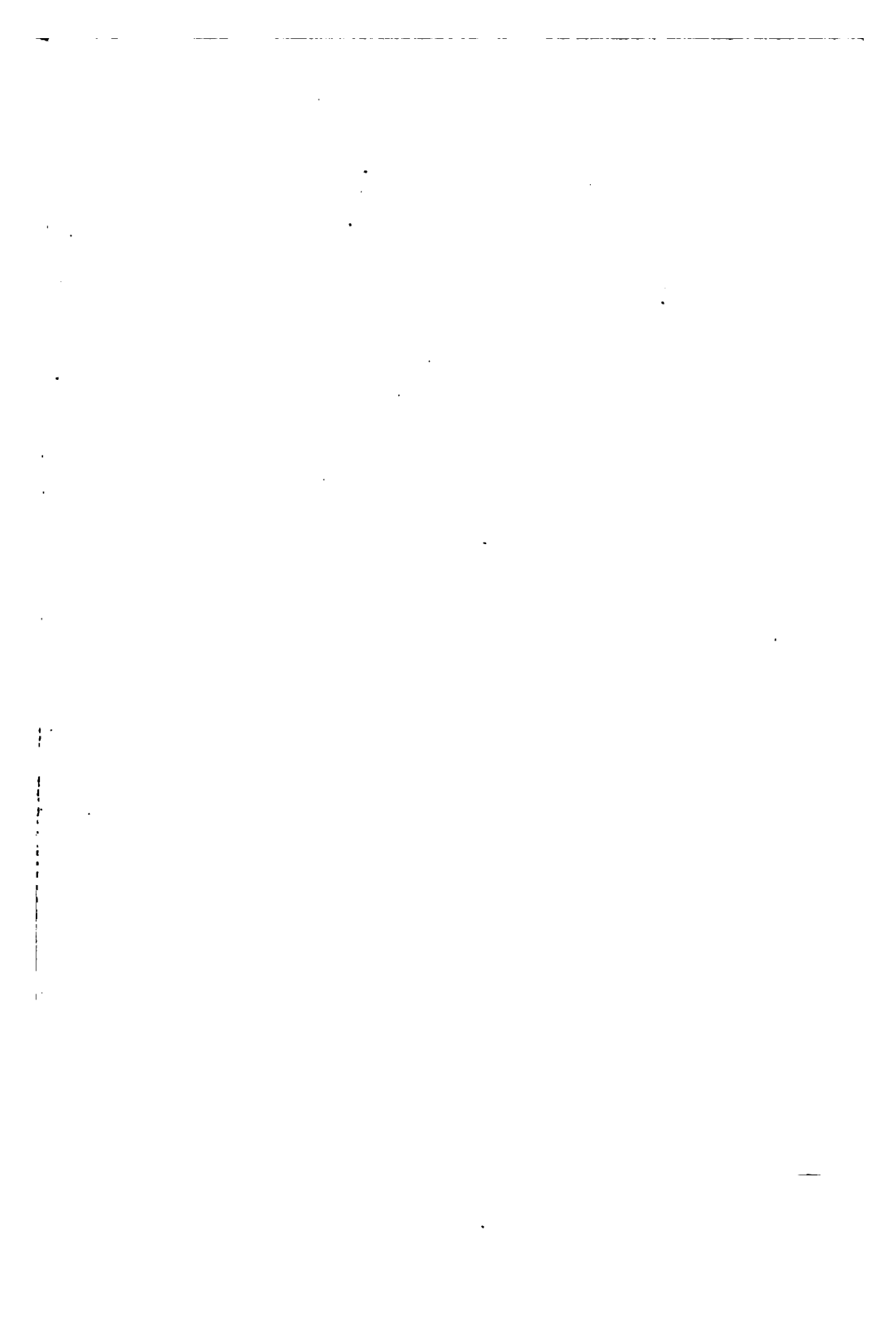
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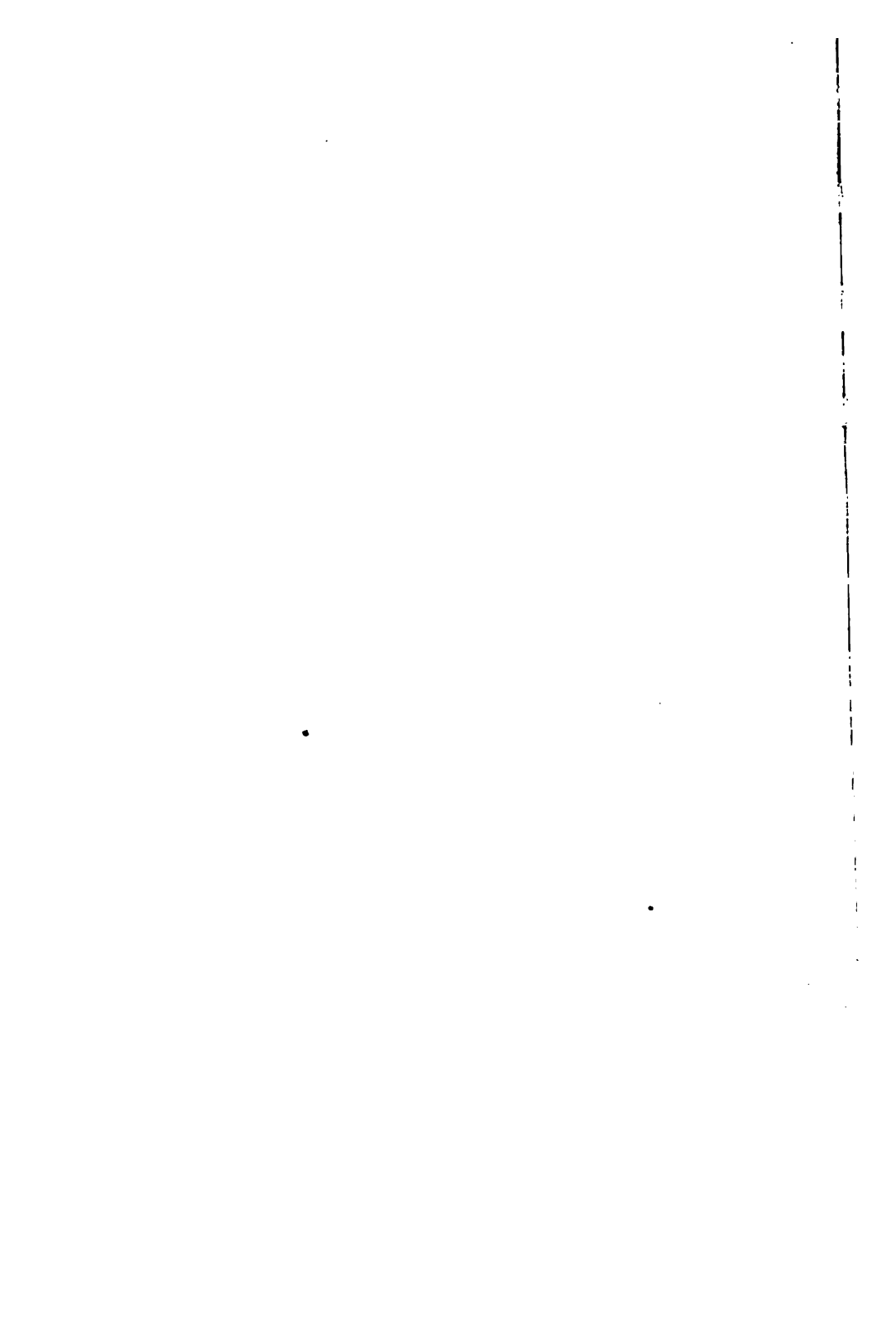
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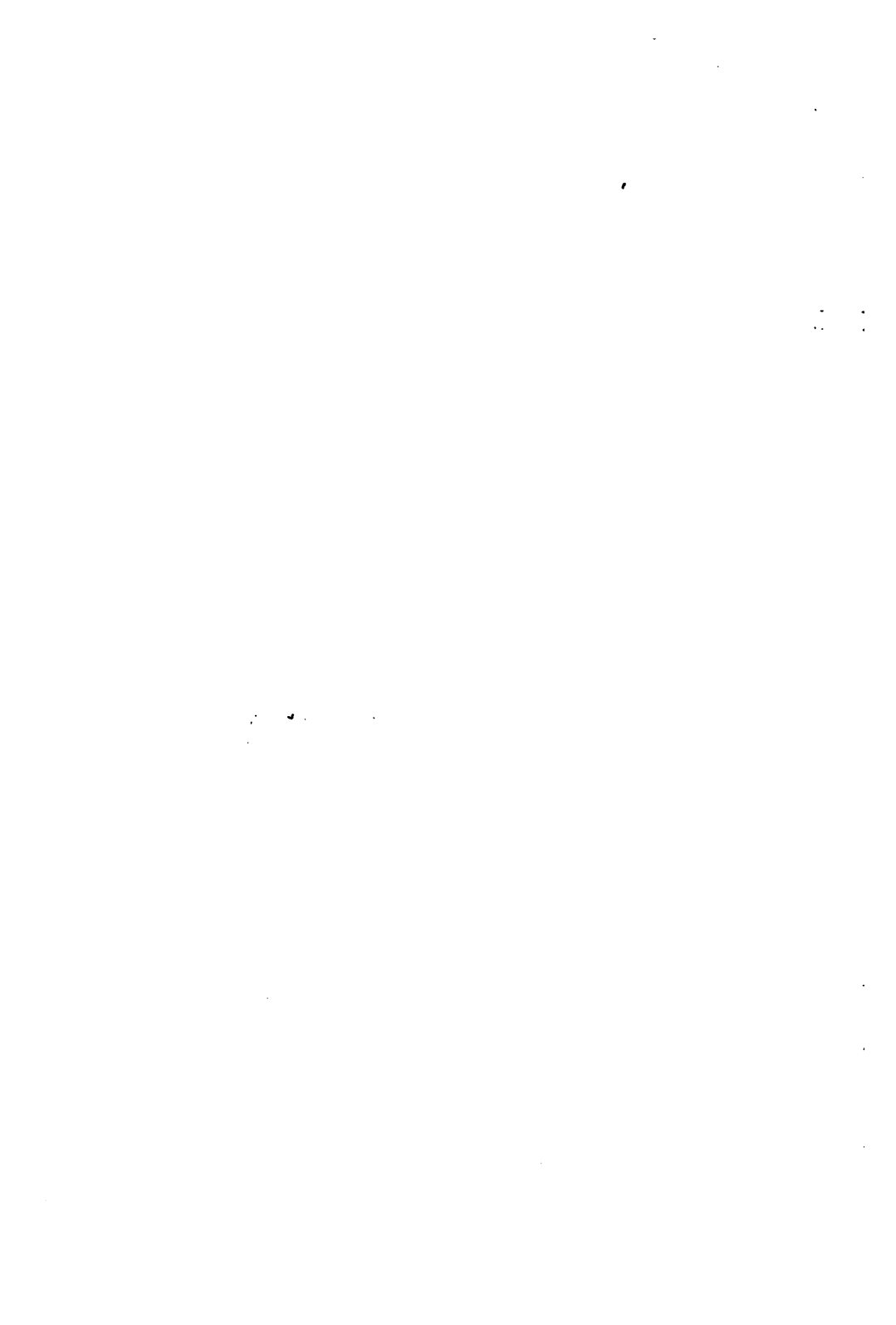












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